



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Twentieth Meeting Day

Monday Afternoon

February 19, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Jeffrey K. Espich.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezdowski
Crouch	Noe
Davis ☐	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond
Dobis	Porter
Dodge	Reske
Duncan	Richardson
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 136: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 20, 2007, at 9:00 a.m.

BATTLES

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 20

Representatives Knollman, Bischoff, Tincher, Hinkle, Thompson, Dodge, Dickinson, Ruppel, Buell, Friend, Stutzman, Gutwein, Lehe, Cherry, Murphy, Frizzell, Espich, Hoy, Koch, Richardson, Torr, Walorski, Orentlicher, Noe, Micon, and Bell introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION recognizing the FFA.

Whereas, The FFA is the student organization component of Indiana's total agricultural education program;

Whereas, As an intracurricular activity, FFA empowers students to apply the knowledge and competencies gained from classroom laboratory instruction and supervised agricultural experiences;

Whereas, The Indiana FFA and agricultural education provide a strong foundation for the youth of Indiana and the future of the food, fiber, and natural resource systems for Hoosiers statewide;

Whereas, The Indiana FFA nurtures the next generation of Hoosier agriculturalists who will be involved in the leadership of every facet of our food and fiber system, including food safety, research and development, environmental protection, sales and marketing, food production, food processing, international trade, and education;

Whereas, The Indiana FFA promotes premier leadership, personal growth, and career success among its members and assists students in discovering the power they possess through the Youth Agriculture Exchange Brazil Experience, the State Agri-Entrepreneurship Awards Program, conferences and workshops, agriculture career development events, chapter retreats, district officer program, leadership career development events, Project: IMPACT, and the state FFA convention;

Whereas, The FFA motto "Learning to do, doing to learn, earning to live, living to serve" gives purpose to students who take an active role in succeeding in agricultural education; and

Whereas, The Indiana FFA promotes citizenship,

volunteerism, patriotism, and cooperation among its 9,500 active Hoosier members from 185 chapters who join 463,423 national FFA members in the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the important work done by the Indiana FFA in furthering the development of our youth into exceptional citizens of our state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana FFA.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Jackman.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

House Concurrent Resolution 21

Representative Buck introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION honoring the Frankfort Community Public Library.

Whereas, In a ceremony in the East Room of the White House, First Lady Laura Bush presented the 2006 National Award for Museum and Library Service to the Frankfort Community Public Library;

Whereas, The National Award for Museum and Library Service, awarded annually by the Institute of Museum and Library Services, is the highest honor the nation bestows on libraries and museums for their outstanding contribution to American communities;

Whereas, These awards are given to museums and libraries that have "demonstrated a long-term commitment to public service through innovative programs and community partnerships";

Whereas, The Frankfort Community Public Library offers the community much more than a place to read and do research;

Whereas, The Frankfort Community Public Library sponsors a "school of living" and free and low-cost fine art, crafts, music, theater, cooking, and gardening classes for children and adults;

Whereas, To help unify the diverse factions of the community, the Frankfort Public Library showcases Hispanic guitar music and foods, teaches children how to make calaveras skeletons and Mexican tin ware, and holds a biannual Japanese festival featuring traditional art, sushi, Koto players, and tea ceremonies; and

Whereas, The Frankfort Community Public Library has touched the lives of countless Hoosiers whose interaction with the library has changed their lives for the better: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Frankfort Community Public Library for the recognition it received from the federal Institute of Museum and Library Services and encourages the staff to continue working for the betterment of the community and its residents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to William Caddell, Director of the Frankfort Community Public Library.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Hershman and Boots.

House Concurrent Resolution 22

Representative Mays introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION recognizing Andrew B. Buroker.

Whereas, Andrew B. Buroker is the chairman of the American Heart Association, a national voluntary health agency whose goal is to reduce disability and death from cardiovascular diseases and stroke;

Whereas, Before becoming chairman, Andrew B. Buroker was an American Heart Association volunteer for more than 16 years and has been a member of the national board of directors and administrative cabinet since 2002;

Whereas, Chairman Andrew B. Buroker, a graduate of DePauw University and the Indiana University School of Law in Bloomington, is responsible for the overall administration of business affairs, public relations, and fund raising and presides over the board of directors and administrative cabinet meetings;

Whereas, In addition to his dedication to the cause of the American Heart Association, Andrew B. Buroker provides pro bono legal services through the Community Organizations Legal Assistance Project and is active in a number of community, political, and charitable activities;

Whereas, Andrew B. Buroker has received numerous awards and honors recognizing his dedication to the American Heart Association and his devotion to his community, including the Distinguished Service Award from the Indiana University School of Law, the Core Vitae Award from the American Heart Association, the Mayor's Community Service Award from Mayor Bart Peterson, and recognition from the Indianapolis Business Journal as a member of the "40 Under Forty" young community leaders in Indianapolis;

Whereas, Andrew B. Buroker is a partner at the law firm of Krieg Devault, chairman of the real estate and environmental practice group, and chairman of the recruiting committee; and

Whereas, Andrew B. Buroker has dedicated his time, energy, and expertise to strengthen the efforts of the American Heart Association to reduce cardiovascular disease mortality and improve the heart health of all Americans: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the good work of Andrew B. Buroker and thanks him for his countless hours of dedicated service to the American Heart Association and the community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Andrew B. Buroker.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Merritt.

House Concurrent Resolution 23

Representative Bischoff introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION asking the Indiana Department of Transportation to name the bridge spanning State Road 56 in Switzerland County the Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their state in times of war;

Whereas, These veterans served their state and country well, sometimes making the ultimate sacrifice in the service of their country;

Whereas, Many states have designated and named bridges as a memorial to those who served their nation in times of war; and

Whereas, It is fitting that the proper signage be placed on the bridge spanning State Road 56 in Switzerland County to recognize the designation of that bridge as the Veterans Memorial Bridge: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly commemorates the service of Indiana's veterans to our state and our nation by asking the Indiana Department of Transportation to name the bridge spanning State Road 56 in Switzerland County the Veterans Memorial Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lewis and Nugent.

House Resolution 13

Representatives Ruppel, Knollman, and McClain introduced House Resolution 13:

A HOUSE RESOLUTION honoring Desiray L. Simmons.

Whereas, Eighteen-year-old Desiray L. Simmons is the 2006-2007 Indiana FFA state northern region vice president;

Whereas, As state northern region vice president, Desiray L. Simmons will spend the coming year traveling throughout Indiana promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Desiray L. Simmons is responsible for developing relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Desiray L. Simmons has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter reporter, secretary, and Section II director;

Whereas, Desiray L. Simmons attended several career development events on the chapter, district, and state levels, participated in livestock and forestry judging, and was a member of the state qualifying livestock judging team;

Whereas, Desiray L. Simmons has also participated in Ag Issues Forum, Food Science Demonstration, Horticulture Demonstration, and Female Leadership Ambassador in which she placed first in the district and qualified for state;

Whereas, In the past State Convention, Desiray L. Simmons and her partner were recognized as the state winners for the Horticulture Demonstration where they presented the need for raised accessible garden beds;

Whereas, Desiray L. Simmons has a diverse Supervised Agricultural Experience ranging from Agriculture Service to Outdoor Recreation; and

Whereas, After serving the Indiana FFA and its members, Desiray L. Simmons plans to attend Purdue University majoring in Agriculture Communications and wants to pursue a career with a major business in the agricultural industry as a public

relations director: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Desiray L. Simmons on her selection as the 2006-2007 Indiana FFA state northern region vice president and wishes her success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Desiray L. Simmons, her parents Jeff and Michelle Steiner, and her sister Jarvis.

The resolution was read a first time and adopted by voice vote.

House Resolution 14

Representatives Ruppel, Knollman, and Goodin introduced House Resolution 14:

A HOUSE RESOLUTION honoring Laura J. Bradford.

Whereas, Eighteen-year-old Laura J. Bradford is the 2006-2007 Indiana FFA state treasurer;

Whereas, As state treasurer, Laura J. Bradford will spend the coming year traveling the state promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Laura J. Bradford is responsible for developing relationships with leaders in government, education, business, and agriculture sectors;

Whereas, Laura J. Bradford has been an active member of the FFA at the chapter, district, and state levels serving as chapter president, sentinel, district president, and state treasurer;

Whereas, Laura J. Bradford has attended several leadership conferences, including Summer Challenge, Premier Leadership Training, S.O.A.R. (Seeking Opportunities and Achieving Results), and the Leadership Development Workshop, Made for Excellence;

Whereas, Laura J. Bradford has participated in several career development events on the chapter, district, and state levels and in the prepared public speaking, female leadership ambassador, and quiz bowl contests at the district level;

Whereas, Laura J. Bradford's supervised agricultural experience is in the areas of agricultural education and equine science; and

Whereas, After serving the Indiana FFA and its members, Laura J. Bradford plans to attend Georgetown College and major in preveterinary medicine with plans to pursue a career with a major equine hospital as a resident veterinarian: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Laura J. Bradford on her selection as the 2006-2007 Indiana FFA state treasurer and wishes her success in her collegiate academic studies.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Laura J. Bradford and her parents Dwight and Lisa Bradford.

The resolution was read a first time and adopted by voice vote.

House Resolution 15

Representatives Ruppel, Knollman, and VanHaaften introduced House Resolution 15:

A HOUSE RESOLUTION honoring Morgan M. Emery.

Whereas, Eighteen-year-old Morgan M. Emery is the 2006-2007 Indiana FFA State Secretary;

Whereas, While in office, Morgan M. Emery will speak to over 9,000 students and FFA supporters, present numerous workshops and conferences, and participate in goodwill tours throughout Indiana;

Whereas, As a state officer, Morgan M. Emery will develop relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Over the past four years of FFA membership, Morgan M. Emery has been active on the chapter, district, state, and national level serving as chapter reporter for two years, district secretary, and Section IV director;

Whereas, Morgan M. Emery has attended several leadership conferences, including Premier Leadership Training, SOAR (Seeking Opportunities and Achieving Results), FIRE (Foundations in Reaching Excellence), Leadership Development Workshop, and Made for Excellence;

Whereas, Sheep production entrepreneurship has been Morgan M. Emery's supervised agricultural experience program throughout her FFA career; and

Whereas, After serving the Indiana FFA Organization and its members, Morgan M. Emery looks forward to attending Purdue University and majoring in biochemistry, and plans to attend medical school and pursue a career in pediatric medicine or hospital administration: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Morgan M. Emery on her selection as the 2006-2007 State Secretary for the Indiana FFA.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Morgan M. Emery, her parents Douglas and Patricia Emery, and her siblings Tara, Tristan, and Kyle.

The resolution was read a first time and adopted by voice vote.

House Resolution 16

Representatives Ruppel, Knollman, and Avery introduced House Resolution 16:

A HOUSE RESOLUTION honoring Tyler R. Tenbarge.

Whereas, Eighteen-year-old Tyler R. Tenbarge is the 2006-2007 Indiana FFA state president;

Whereas, As state president, Tyler R. Tenbarge will spend the coming year traveling the state promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Tyler R. Tenbarge is responsible for developing relationships with leaders in government, education, business, and agriculture;

Whereas, Tyler R. Tenbarge has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter president, treasurer, student advisor, and District X president and treasurer;

Whereas, Tyler R. Tenbarge has attended several leadership conferences, including Premier Leadership Training, Leadership Development Workshop, Advanced Leadership Development, SOAR (Seeking Opportunities and Achieving Results), FIRE (Foundations In Reaching Excellence), and the Washington Leadership Conference;

Whereas, Tyler R. Tenbarge has participated in several career development events, including soils, crops, parliamentary procedure, dairy evaluation, freshmen public speaking, agriculture issues forum, prepared public speaking, treasurer's book, and quiz bowl contests, placing first in each career development event at the district level;

Whereas, Tyler R. Tenbarge's supervised agricultural experiences involve working on the family farm in the areas of diversified agricultural production and diversified crop production; and

Whereas, After serving the Indiana FFA and its members, Tyler R. Tenbarge plans to attend Purdue University and major in horticulture with a goal of pursuing a career with a landscape architectural company and eventually serving as an elected public official in Indiana or on the national level: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Tyler R. Tenbarge on his selection as the 2006-2007 Indiana FFA state president and wishes him success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Tyler R. Tenbarge, his parents, Mark and Susan Tenbarge, and his siblings Kendra, Trent, Dana, Brian, Krista, and Blake.

The resolution was read a first time and adopted by voice vote.

House Resolution 17

Representatives Ruppel, Knollman, and Grubb introduced House Resolution 17:

A HOUSE RESOLUTION honoring Elise Brown.

Whereas, Eighteen-year-old Elise Brown is the 2006-2007 Indiana FFA state sentinel;

Whereas, As state sentinel, Elise Brown will spend the coming year traveling throughout Indiana promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Elise Brown is responsible for developing relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Elise Brown has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter secretary and president and district reporter and treasurer;

Whereas, Elise Brown has attended several leadership conferences, including Premier Leadership Training, Leadership Development Workshop, Foundations in Reaching Excellence, Made for Excellence, and Washington Leadership Conference;

Whereas, Elise Brown was a member of the National FFA Band in 2004 and 2005;

Whereas, Elise Brown has participated in several career development events, such as meats and livestock evaluations and the freshmen public speaking, creed speaking, and extemporaneous speaking at the district level, placing third in the female leadership ambassador contest at the 2006 state convention;

Whereas, Elise Brown's supervised agricultural experiences are agriculture communications, forage production, sheep production, and beef production; and

Whereas, After serving the Indiana FFA and its members, Elise Brown plans to attend Purdue University and major in an agricultural area with a goal of pursuing a career in

agriculture: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Elise Brown on her selection as the 2006-2007 Indiana FFA state sentinel and wishes her success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Elise Brown, her parents, Andrew and Lori Brown, and her siblings, Colin and Gavin.

The resolution was read a first time and adopted by voice vote.

House Resolution 18

Representatives Ruppel, Knollman, and Lehe introduced House Resolution 18:

A HOUSE RESOLUTION honoring Rob C. Hays.

Whereas, Eighteen-year-old Rob C. Hays is the 2006-2007 Indiana FFA state secretary;

Whereas, As state secretary, Rob C. Hays will spend the coming year traveling throughout Indiana promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Rob C. Hays is responsible for developing relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Rob C. Hays has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter president, vice president, reporter, and Section 1 director and district reporter;

Whereas, Rob C. Hays has attended several leadership conferences, including Premier Leadership Training, Leadership Development Workshop, and served as a counselor at Foundations in Reaching Excellence and Seeking Opportunities and Achieving Results;

Whereas, Rob C. Hays also participated in the State Agriculture Ambassador Contest at the State Convention;

Whereas, Rob C. Hays has participated in several career development events on the chapter, district, and state levels and participated in crops and soils at the national contest;

Whereas, Rob C. Hays's supervised agricultural experience is agriculture communications; and

Whereas, After serving the Indiana FFA and its members, Rob C. Hays plans to attend Purdue University majoring in Agriculture Education with a goal of pursuing a career as an agriculture educator and FFA advisor: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Rob C. Hays on his selection as the 2006-2007 Indiana FFA state secretary and wishes him success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Rob C. Hays, his parents Bob and Joan Hays, and his brothers Casey and Ali.

The resolution was read a first time and adopted by voice vote.

House Resolution 19

Representatives Ruppel, Knollman, and Duncan introduced House Resolution 19:

A HOUSE RESOLUTION honoring Kimberly B. Hoeing.

Whereas, Nineteen-year-old Kimberly B. Hoeing is the 2006-2007 Indiana FFA state southern region vice president;

Whereas, As state southern region vice president, Kimberly B. Hoeing will spend the coming year traveling throughout Indiana promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Kimberly B. Hoeing is responsible for developing relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Kimberly B. Hoeing has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter president, secretary, and district president;

Whereas, Kimberly B. Hoeing has attended several leadership conferences, including Summer Challenge, Premier Leadership Training, and Leadership Development Workshop, and served as a counselor at Seeking Opportunities and Achieving Results and Foundations in Reaching Excellence;

Whereas, Kimberly B. Hoeing also participated in the Youth Agriculture Exchange in Rio Grande do Sol, Brazil;

Whereas, Kimberly B. Hoeing has participated in several career development events on the chapter, district, state, and national levels and has participated in agronomy, dairy foods, and dairy evaluations;

Whereas, Kimberly B. Hoeing's supervised agricultural experience are agricultural education, agricultural communications, and dairy production; and

Whereas, After serving the Indiana FFA and its members, Kimberly B. Hoeing plans to attend Purdue University majoring in international agronomy with a goal of pursuing a career living and working in a foreign country as an international agricultural attache: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates Kimberly B. Hoeing on her selection as the 2006-2007 Indiana FFA state southern region vice president and wishes her success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Kimberly B. Hoeing, her parents, Kenneth and Denise Hoeing, and her sister Chris.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1044, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning veterans.

Page 2, delete lines 2 through 7.

(Reference is to HB 1044 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 3.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 5, nays 4.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "twelve percent (12%)" and insert "**nine percent (9%)**".

(Reference is to HB 1074 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 3.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 7.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "twenty (20)" and insert "**twelve (12)**".

Page 3, line 9, after "7." insert "**(a)**".

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), a law enforcement agency, prosecuting attorney, or court may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (a). If a person who submits a written application under this subsection shows good cause for unsealing the records described in subsection (a), the court that granted the expungement petition shall:

(1) order the records to be unsealed; and

(2) allow the person who submitted the written application to have access to the records.

If a court orders records to be unsealed under this subsection, the court shall order the records to be permanently resealed at the earliest possible time after the reasons for unsealing the records cease to exist."

(Reference is to HB 1230 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which

was referred House Bill 1255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 2.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 6.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, delete "an amount permitted by an agreement between the" and insert ":".

Page 3, delete line 9.

(Reference is to HB 1356 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 1.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1459, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 20, delete "or".

Page 3, line 20, after "sex" insert ", **or any other characteristic or belief**".

Page 4, delete lines 16 through 42.

Delete pages 5 through 8

Page 9, delete lines 1 through 22.

Page 9, line 24, delete "IC 35-46-2-1, IC 35-46-2-2, and IC 35-50-2-9, all".

Page 9, line 25, delete "apply" and insert "**applies**".

Renumber all SECTIONS consecutively.
(Reference is to HB 1459 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which

was referred House Bill 1488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 8.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1563, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1622, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
Delete pages 2 through 3.
Page 4, delete lines 1 through 32.
Page 4, line 34, delete "(a) With respect to" and insert "(a) **Notwithstanding IC 6-2.5-2-2, with respect to**".
Page 4, line 35, reset in roman "the sale of gasoline".
Page 4, line 35, after "which" insert "**that**".
Page 4, line 35, reset in roman "is dispensed from a metered pump, a retail".
Page 4, reset in roman lines 36 through 38.
Page 4, line 39, reset in roman "(1) the".
Page 4, line 39, after "taxes;" insert "**lesser of the:**
(A) price per unit before the addition of state and federal taxes; or
(B) product of:
(i) one dollar and seventy-seven cents (\$1.77); multiplied by
(ii) the gallon conversion index;
rounded to the nearest one cent (\$0.01);".
Page 4, reset in roman lines 40 through 42.
Page 5, reset in roman lines 1 through 2.
Page 5, between lines 2 and 3, begin a new paragraph and insert:
"**(b) Notwithstanding IC 6-2.5-2-2, with respect to the sale of special fuel that is dispensed from a metered pump, unless the purchaser provides an exemption certificate in accordance with IC 6-2.5-8-8, a retail merchant shall collect, for each unit of special fuel sold, state gross retail tax in an amount equal to the product of, rounded to the nearest one-tenth of one cent (\$0.001):**
(1) the lesser of:
(A) the price per unit before the addition of state and federal taxes; or
(B) the product of:
(i) one dollar and eighty-eight cents (\$1.88); multiplied by
(ii) the gallon conversion index;
rounded to the nearest one cent (\$0.01); multiplied by
(2) six percent (6%).
Unless the exemption certificate is provided, the retail merchant shall collect the state gross retail tax prescribed in this section even if the transaction is exempt from taxation under IC 6-2.5-5."

Page 5, line 3, after "(b)" insert "(c)".

Page 5, line 3, strike "special fuel or".

Page 5, line 3, strike "which" and insert "**that**".

Page 5, line 6, strike "special fuel or".

Page 5, delete lines 15 through 42, begin a new paragraph and insert:

"**(d) For purposes of this section, the gallon conversion index is the following:**

(1) One (1), if the unit of measure by which gasoline or special fuel is sold is a gallon.

(2) Five-tenths (0.5), if the unit of measure by which gasoline or special fuel is sold is one-half (½) gallon.

(3) Twenty-six thousand four hundred seventeen one hundred thousandths (0.26417), if the unit of measure by which gasoline or special fuel is sold is a liter.

(4) An equivalent gallon conversion index specified by the department if the unit of measure by which gasoline or special fuel is sold is not described in subdivision (1), (2), or (3).

SECTION 2. IC 6-2.5-7-14, AS AMENDED BY P.L.176-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:

(1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and

(2) any other person that makes a request;

a notice of the prepayment rate to be used during the following six (6) month period. The department shall also have the prepayment rate published in the June and December issues of the Indiana Register.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

(A) The **lesser of the following:**

(i) The STEP ONE amount.

(ii) **For prepayments made after June 30, 2007, one dollar and seventy-seven cents (\$1.77).**

(B) The Indiana gross retail tax rate.

(C) Ninety percent (90%).

STEP THREE: Determine the lesser of:

(A) the STEP TWO result; or

(B) the product of:

(i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by

(ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001).

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) IC 6-2.5-7-3, as amended by this act, applies to retail transactions that occur after June 30, 2007.

(b) As used in this SECTION, "department" refers to the department of state revenue.

(c) The department may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-2.5-7-3, as amended by this act. The temporary rules must provide a method for providing a credit or a refund of any difference between the prepayment amounts paid or deposited with the department

by any person on the purchase or shipment of gasoline in a reporting period ending before July 1, 2007, and the gross retail rate imposed by IC 6-2.5-7-3, as amended by this act, on the retail sale of the gasoline in a reporting period beginning after June 30, 2007.

(d) A rule adopted under this SECTION expires on the earliest of the following:

- (1) The date a rule is adopted by the department under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.
- (2) The date another temporary rule is adopted under this SECTION.
- (3) The date specified in the temporary rule.
- (4) July 1, 2008.

SECTION 4. An emergency is declared for this act."

Delete pages 6 through 9.

Renummer all SECTIONS consecutively.

(Reference is to HB 1622 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 2.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1731, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, after "entity" insert "**or under another governmental entity's referenced written contract**".

Page 3, line 24, delete "fifty".

Page 3, line 25, delete "(\$150,000)" and insert "**(\$100,000)**".

Page 4, line 9, delete "one hundred".

Page 4, line 10, delete "(\$150,000)." and insert "**(\$50,000)**".

(Reference is to HB 1731 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1808, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-5-4.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. This chapter expires January 1, 2012.**

SECTION 2. IC 3-6-6-41 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 41. This chapter expires January 1, 2012.**

SECTION 3. IC 3-6-6.5-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. This chapter expires January 1, 2012.**

SECTION 4. IC 3-6-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. This chapter expires January 1, 2012.**

SECTION 5. IC 3-6-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 7. This chapter expires January 1, 2012.**

SECTION 6. IC 3-6-10-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. This chapter expires January 1, 2012.**

SECTION 7. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. This chapter expires January 1, 2012.**

SECTION 8. IC 3-7-42-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. This chapter expires January 1, 2012.**

SECTION 9. IC 3-7-48-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11. This chapter expires January 1, 2012.**

SECTION 10. IC 3-11-3-36 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 36. This chapter expires January 1, 2012.**

SECTION 11. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as otherwise provided in this article; ~~a voter voting by absentee ballot must vote~~

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 12. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for

an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

~~(A) is ineligible to vote or to cast an absentee ballot; or~~

~~(B) did not properly complete and sign the application.~~

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

- (1) noon seven (7) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

~~(A) is ineligible to vote or to cast an absentee ballot; or~~

~~(B) did not properly complete and sign the application.~~

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 13. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of ~~the~~ a voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

~~(A) on the day of the receipt of the voter's application; or~~

~~(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;~~

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 14. IC 3-11-4-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 23. This chapter expires January 1, 2012.**

SECTION 15. IC 3-11-6-15 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. This chapter expires January 1, 2012.**

SECTION 16. IC 3-11-6.5-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. This chapter expires January 1, 2012.**

SECTION 17. IC 3-11-7-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. This chapter expires January 1, 2012.**

SECTION 18. IC 3-11-7.5-29 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29. This chapter expires January 1, 2012.**

SECTION 19. IC 3-11-8-34 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. This chapter expires January 1, 2012.**

SECTION 20. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.**

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open;

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested;

(3) The voter will be confined on election day to the voter's residence; to a health care facility; or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open;

(4) The voter is a voter with disabilities;

(5) The voter is an elderly voter;

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open;

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open;

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12;

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open;

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6);

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 21. IC 3-11-10-40 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 40. This chapter expires January 1, 2012.**

SECTION 22. IC 3-11-11-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20. This chapter expires January 1, 2012.**

SECTION 23. IC 3-11-13-45 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 45. This chapter expires January 1, 2012.**

SECTION 24. IC 3-11-14-35 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 35. This chapter expires January 1, 2012.**

SECTION 25. IC 3-11-14.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11. This chapter expires January 1, 2012.**

SECTION 26. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.**

(b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the following:**

(1) Produce a permanent paper record with a manual audit capacity for the system. ~~and~~

(2) **Permit the voter to examine the paper record of the voter's vote to verify the voter's votes. This subdivision applies only to a voting system purchased, leased, or lease purchased after April 30, 2007.**

~~(2) (3) Provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.~~

(c) The paper record produced under subsection (b) ~~must be made available as~~ is an official record for a recount or contest conducted with respect to any election in which the voting system was used.

(d) **A voter may not keep the paper record the voter has examined under subsection (b)(3).**

SECTION 27. IC 3-11-15-59 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 59. This chapter expires January 1, 2012.**

SECTION 28. IC 3-11-16-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. This chapter expires January 1, 2012.**

SECTION 29. IC 3-11-17-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. This chapter expires January 1, 2012.**

SECTION 30. IC 3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 11.3. CASTING AND COUNTING BALLOTS **Chapter 1. General Provisions**

Sec. 1. This article applies only to elections held after December 31, 2011.

Sec. 2. For purposes of this article, a ballot is considered "sent" to a voter if the ballot is:

- (1) sent by United States mail addressed to the voter;
- (2) transmitted by fax to a number provided by the voter; or
- (3) personally given to the voter.

Sec. 3. As required by 42 U.S.C. 15481, an election board must establish a voter education program (specific to the kind of ballot used in the county) to:

- (1) notify a voter of the effect of casting multiple votes for a single office; and
- (2) provide instructions on how to correct a ballot before the ballot is cast and counted, including the issuance of replacement ballots.

Sec. 4. The county election board shall include a copy of the Voter's Bill of Rights with ballots mailed to the voter.

Sec. 5. The individuals appointed as ballot counters under this article are entitled to a per diem established by the county executive.

Sec. 6. A ballot is considered to be cast in the precinct in which the voter who cast the ballot resides for the purpose of the following chapters:

- (1) IC 3-12-6.
- (2) IC 3-12-11.
- (3) IC 3-12-12.

Sec. 7. In accordance with 42 U.S.C. 1973ff-1(b), the election division is designated as the single office in Indiana responsible for providing information regarding ballot procedures under this article to be used by absent uniformed services voters and overseas voters who wish to vote in any jurisdiction in Indiana.

Chapter 2. Preparation of Ballots

Sec. 1. Each circuit court clerk shall:

- (1) not less than sixty (60) days before the date on

which a general, primary, or municipal election is held; or

(2) not more than three (3) days after the date on which a special election is ordered;

estimate the number of ballots that will be required in the county for the election.

Sec. 2. (a) The election division shall prepare a special ballot for use by:

- (1) absent uniformed services voters; and
- (2) overseas voters;

who will be outside the United States on the day of a general election.

(b) The ballot described in subsection (a):

- (1) must indicate each state office to be elected by the voters at the general election;
- (2) must set forth each public question to be voted for at the general election by the electorate of the entire state;
- (3) may not state the name of any political party or candidate for election;
- (4) must permit the voter to write in the name of a political party or a candidate for election to each office; and
- (5) must include a notice stating that regular ballots will be mailed to the voter by the county election board as soon as the ballots are available.

(c) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

Sec. 3. (a) Except as provided in subsections (b) and (c), the ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk or the clerk's authorized deputy not less than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The ballots shall be delivered in the same manner that other official ballots are delivered.

(b) This subsection applies to the printing of ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk not later than thirty-eight (38) days before the general election.

(c) A ballot described by section 2(a) of this chapter shall be delivered by the election division to the circuit court clerk or the clerk's authorized deputy not later than the first Monday in June before a general election.

Sec. 4. (a) All ballots other than those described in section 2 of this chapter shall be prepared and printed under the direction of each county election board. After completing the estimate required by section 1 of this chapter and receiving all certifications from the election division required under IC 3-8 or IC 3-10, the county election board shall immediately provide for the preparation and printing of ballots.

(b) Except as provided in subsection (c), ballots prepared by the county election board under this section must provide space for the voter to cast a write-in ballot.

(c) Space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

Sec. 5. (a) Except as provided in subsection (b), the ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than:

- (1) forty-five (45) days before a general, primary, or municipal election; and
- (2) thirty-two (32) days before a special election.

(b) This subsection applies to the printing of ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than thirty-eight (38) days before the general election.

Sec. 6. Each package of ballots delivered to a circuit court clerk shall be plainly marked, on an appropriate attached label, with the words: "This package contains _____ (giving number of ballots) ballots.". The clerk shall securely keep all ballots in the clerk's office and shall send them to voters as provided in this article.

Chapter 3. Sending Ballots to Voters

Sec. 1. Not later than seven (7) days after the deliver of ballots under IC 3-11.3-2-5, the county election board shall mail the official ballot, postage fully prepaid, to each active voter at the address stated in the voter's voter registration record.

Sec. 2. Subject to IC 3-5-4-9, a ballot that is mailed must bear the circuit court clerk's official seal and signature or facsimile signature on the back of the ballot. Before the ballot is mailed, the two (2) appointed members of the county election board or their designated representatives shall place their initials in ink on the back of the ballot. The initials must be in the individual's ordinary handwriting or printing and without a distinguishing mark of any kind. No other initialing of the ballot is necessary.

Sec. 3. A ballot mailed under this chapter shall be enclosed in an envelope, unsealed and stamped for return to the county election board by at least first class mail. One (1) side of the envelope must bear the name, official title, and post office address of the county election board. The pre-addressed, stamped envelope shall be furnished by the county election board.

Sec. 4. (a) On the other side of the envelope required by section 3 of this chapter an affidavit conforming to 42 U.S.C. 1973ff-1(b) must be printed, providing that the voter affirms under penalty of perjury that the following information is true:

- (1) The name of the precinct and township (or ward and city or town).
- (2) That the voter is:
 - (A) a resident of; or
 - (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;

the precinct.

- (3) The voter's complete residence address, including the name of the city or town and county.
- (4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.
- (5) That:

- (A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;
- (B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or
- (C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this

envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.

(d) The side of the envelope containing this affidavit must also set forth the penalties for perjury.

Sec. 5. (a) The circuit court clerk shall keep the following information in a record in the clerk's office for each ballot mailed under this chapter:

- (1) The name of the voter.
- (2) The date the ballot is sent to the voter.
- (3) The address to which the ballot is sent.
- (4) If the ballot is transmitted by fax, the fax number to which the ballot is faxed.
- (5) The date the ballot is received from the voter.
- (6) Any other information the county election board considers necessary or useful.

(b) The circuit court clerk shall keep the following information regarding absent uniformed services voters and overseas voters:

- (1) The combined total number of ballots sent by the county to absent uniformed services voters and overseas voters.
- (2) The total number of ballots returned by voters described in subdivision (1) in time to be counted.
- (3) The total number of ballots described in subdivision (1) that were counted in whole or in part.
- (4) Any other information the county election board considers necessary or useful.

Chapter 4. Casting Ballots by Voters

Sec. 1. A voter shall, except as provided in section 2 of this chapter, do the following:

- (1) Mark the ballot in the presence of no other person.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.
- (5) Securely seal the envelope.
- (6) Make and subscribe to the affidavit prescribed by IC 3-11.3-3-4.

(7) Do one (1) of the following:

- (A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.
- (B) Deliver the envelope to the county election board in person.
- (C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5 for delivery to the county election board:
 - (i) in person;
 - (ii) by United States mail; or
 - (iii) by a bonded courier company.

Sec. 2. (a) A voter permitted to transmit the voter's ballots by fax or electronic mail under IC 3-11.3-5 is not required to comply with section 1 of this chapter.

(b) The individual designated by the circuit court clerk to receive ballots transmitted by fax or electronic mail shall do the following upon receipt of a ballot transmitted by fax:

- (1) Note the receipt of the ballot in the records of the circuit court clerk as other ballots received by the circuit court clerk are noted.
- (2) Fold each ballot received from the voter separately so as to conceal the marking.
- (3) Enclose each ballot in a blank ballot envelope.

- (4) Securely seal the envelope.
- (5) Mark on the envelope: "Ballot Received by Fax or Electronic Mail".
- (6) Securely attach to the envelope the faxed affidavit received with the voter's ballots.

(c) Except as otherwise provided in this title, ballots received by fax or electronic mail shall be handled and processed as other ballots received by the circuit court clerk are handled and processed.

Chapter 5. Absent Uniformed Services Voters, Overseas Voters, and Address Confidentiality Program Participant Voters

Sec. 1. This chapter applies, notwithstanding any other provision of this title, to the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.

Sec. 2. A county election board shall make blank forms that a voter may use to identify the voter as a voter described in section 1 of this chapter available for such voters after November 20 preceding the election to which the form applies. A voter may notify the county election board at any time after the forms are made available that the voter is a voter described in section 1 of this chapter.

Sec. 3. If a county election board receives a notification form from a voter under section 2 of this chapter, the circuit court clerk shall mail to the voter, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under this article.

Sec. 4. In accordance with 42 U.S.C. 1973ff-3, whenever a voter files a notice under this chapter and indicates on the notice that the voter:

- (1) is an absent uniformed services voter or an overseas voter; and
- (2) does not expect to be in the county on the next general election day following the date the notice is filed and expects to remain absent from the county until at least the date of the second general election following the date the notice is filed;

the circuit court clerk and county election board shall process the notice and send ballots to the voter for both subsequent general elections and any municipal or special election conducted during that period.

Sec. 5. (a) Whenever a voter described in section 1(2) files a notice for a primary election ballot and indicates on the notice that the voter is an address confidentiality program participant, the notice is an adequate application for a general election ballot under this chapter and a ballot for a special election conducted during the twelve (12) months following the date of the notice. The circuit court clerk and county election board shall process the notice and send general election and special election absentee ballots to the voter in the same manner as other general election and special election ballots are sent under this article.

(b) The name, address, telephone number, and any other identifying information relating to a program participant in the address confidentiality program, as contained in a voter registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voter registration record, except as follows:

- (1) To a law enforcement agency, upon request.
- (2) As directed by a court order.

Sec. 6. The county election board shall by fax (or electronic mail when authorized under this chapter) transmit a ballot to and receive a ballot from an absent uniformed services voter or an overseas voter at the request of the voter.

If the voter wants to submit ballots by fax or electronic mail, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

Sec. 7. A county election board may transmit a ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense. A voter described by this section may transmit the voted ballot to a county election board by electronic mail in accordance with the procedures established under this program. An electronic mail message transmitting a voted ballot under this section must include an optically scanned image of the voter's signature on the statement required under section 6 of this chapter.

Sec. 8. (a) The county election board shall send confirmation to a voter described in section 6 of this chapter that the voter's ballot has been received as follows:

- (1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.
- (2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.
- (3) If:

- (A) the voter does not provide a fax number or an electronic mail address; or
- (B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's ballot;

the county election board shall send the confirmation by United States mail.

(b) The county election board shall send the confirmation required by this section not later than the end of the first business day after the county election board receives the voter's ballot.

Sec. 9. (a) The form required by this chapter must be made on a standard form approved under 42 U.S.C. 1973ff(b) or on the form prescribed by the commission.

(b) A notice sent under this chapter from an:

- (1) absent uniformed services voter; or
- (2) address confidentiality program participant (as defined in IC 5-26.5-1-6);

must show that the voter or program participant is a resident otherwise qualified to vote in the precinct.

(c) A notice form sent under this chapter from an overseas voter must show that the overseas voter was a resident and otherwise qualified to vote in the precinct where the voter resided before leaving the United States.

Sec. 10. (a) This section applies to an overseas voter described in IC 3-5-2-34.5(3).

(b) An overseas voter who resides outside the United States and who is no longer a resident of a precinct in Indiana is only entitled to receive ballots for a federal office.

(c) A voter described in subsection (a) is considered to be a voter of the Indiana precinct where the voter registration office of the county where the person was domiciled before leaving the United States is located.

Chapter 6. Receipt of Ballots

Sec. 1. (a) A county election board must receive an absentee ballot not later than 6 p.m. on election day.

(b) A ballot received by the county election board after 6 p.m. is considered as arriving too late and may not be opened except as required by a court order.

Sec. 2. (a) During the period that ballots are being received, each county election board shall keep the ballots in cabinets, boxes, or a room upon which there are two (2) locks, one (1) for each of the appointed members of the board.

(b) Each day the ballots shall be placed in the cabinets, boxes, or room under the direction of the appointed members of the board. If an appointed member cannot be present each day, then that member shall designate someone from the member's political party to be present with the key to the lock at the time the ballots are secured.

Sec. 3. Each circuit court clerk or the clerk's agent shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit acceptance of ballots before 6 p.m.

Chapter 7. Ballot Counters

Sec. 1. Each county election board shall appoint teams of ballot counters consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

Sec. 2. An otherwise qualified individual is eligible to serve as a ballot counter unless any of the following apply:

- (1) The individual is unable to read, write, and speak the English language.
- (2) The individual has any property bet or wagered on the result of the election.
- (3) The individual is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate.
- (4) The individual is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

Sec. 3. Not later than noon ten (10) days before voting begins under this article, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of teams of ballot counters to be appointed under this section.

Sec. 4. The county chairmen must make written recommendations for the appointments to the county election board not later than noon three (3) days before voting begins under this article. The county election board shall make the appointments as recommended.

Sec. 5. If a county chairman fails to make any recommendations, the county election board may appoint any voters of the county who comply with this section.

Chapter 8. Watchers for Political Parties, Candidates, and the Media

Sec. 1. (a) Each of the following is entitled to appoint one (1) watcher to observe the counting of ballots in the county:

- (1) A political party in the county.
- (2) An independent candidate.
- (3) A school board candidate.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint watchers if a petition requesting the appointment is filed with the board. The petition must be signed by:

- (1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and
- (2) at least the number of voters equal to two percent (2%) of the votes cast in the last election for secretary of state in the county.

(c) A watcher appointed under this section must be a

registered voter of the county.

Sec. 2. (a) Each of the following is entitled to appoint one (1) watcher to observe the counting of ballots in the county:

- (1) Each daily, weekly, semiweekly, or triweekly newspaper of general circulation in the county.
- (2) Each news service operating in the county.
- (3) Each radio or television station operating in the county.

(b) This subsection does not apply to an individual who is employed by a newspaper, news service, radio station, or television station as the individual's regular occupation. A notice of the name of an individual appointed to be a watcher under this section must be prepared and signed by an individual or an officer of the corporation owning the newspaper, news service, radio station, or television station. The signature must be verified.

(c) A copy of the notice required by subsection (b) must be furnished the day before election day to each of the following:

- (1) The circuit court clerk.
- (2) The county election board.
- (3) The county chairman of each political party that is entitled to appoint a watcher this chapter.
- (4) The chairman of each independent candidate's committee that is entitled to appoint a watcher under this chapter.

(d) If an individual wants to act as a watcher for a newspaper, news service, radio station, or television station in more than one (1) county in Indiana, the individual must obtain a watcher identification card from the election division. The secretary of state may adopt rules under IC 4-22-2 to implement this subsection.

(e) Watchers appointed under this section do not have a voice or vote in any proceeding of a precinct election board. The watchers may attend the election as witnesses only and are subject to the orders of the county election board.

(f) A watcher appointed under this chapter may photograph the proceedings of counting the ballots.

Sec. 3. A candidate to be voted for at an election, except as an unopposed candidate for precinct committeeman or state convention delegate, may not be appointed as a watcher.

Sec. 4. (a) A watcher must possess an identification card issued under this section and present the card if demanded by a member of the county election board.

(b) The county election board, county chairman, or chairman of the committee of the independent candidate for a federal or a state office:

- (1) must appoint each watcher in writing; and
- (2) shall issue one (1) watcher identification card for each person appointed as a watcher.

(c) The identification card must be signed by the chairman of the county election board, county chairman of the party, or chairman of the committee of the independent candidate.

(d) The identification card described in subsection (a) must clearly state the following:

- (1) The status of the individual as an appointed watcher.
- (2) The name of the individual serving as a watcher.
- (3) The name of the person who appointed the individual as a watcher.
- (4) If the individual has been appointed as a watcher by a political party, the name of the political party.

Sec. 5. (a) A watcher appointed under this chapter is entitled to do the following:

- (1) Enter the location where ballots are being counted and remain there throughout the time that ballots are being counted and tabulated.
- (2) Inspect the work being done by any ballot counter.
- (3) Enter, leave, and reenter the location where ballots are being counted at any time.

(4) Witness the calling and recording of the votes and any other proceedings of ballot counters and other election officers in the performance of official duties.

(5) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate;

(B) the names of all candidates at a general, municipal, or special election and the number of votes cast for each candidate; and

(C) the vote cast for or against a public question.

(b) The county election board shall provide blank certificates for the summaries required by subsection (a)(5).

Sec. 6. A watcher appointed under section 1 of this chapter shall report any violation of the election laws that comes to the watcher's attention to the county grand jury or prosecuting attorney.

Chapter 9. General Procedures for Counting Ballots

Sec. 1. Each circuit court clerk shall keep a separate ballot record for each precinct in the county.

Sec. 2. If a county election board finds that the signature on a ballot envelope or transmitted affidavit is not genuine, the board shall write upon the ballot envelope the words "The county election board has rejected this ballot because the signature of this voter is not genuine."

Sec. 3. If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope in a large or carrier envelope. The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains a ballot and must be opened only on election day under IC 3-11.3."

Sec. 4. Each circuit court clerk shall keep all accepted ballot envelopes securely in the clerk's office until the ballot envelopes are opened by ballot counters in accordance with this article.

Sec. 5. (a) Not earlier than noon on election day ballot counters appointed under this article, in the presence of the county election board shall, in a central counting location designated by the county election board, count the votes for each candidate for each office and on each public question in each precinct.

(b) The ballot counters shall, except for a ballot rejected under this article:

(1) open the outer or carrier envelope containing a ballot envelope;

(2) announce the voter's name; and

(3) compare the signature in the county voter registration records with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

Sec. 6. (a) If the ballot counters find that:

(1) the affidavit is properly executed;

(2) the signatures correspond;

(3) the voter is a qualified voter of the precinct; and

(4) in case of a primary election, if the voter has not previously voted, the voter has executed the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate;

the ballot counters shall open the envelope containing the ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) The ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the ballot counters or the county election board has made the findings described in

subsection (a) or section 7 of this chapter for all ballots of the precinct, the ballot counters shall remove all the ballots deposited in the envelope under this section for counting under this article.

Sec. 7. (a) If the ballot counters find that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of the two (2) appointed members of the county election board or their designated representatives under IC 3-11.3-3-2.

(2) The signatures do not correspond or there is no signature.

(3) The voter is not a qualified voter in the precinct.

(4) The voter has not registered.

(5) The ballot is open or has been opened and resealed. This subdivision does not permit a ballot transmitted by fax or electronic mail under IC 3-11.3-5 to be rejected because the ballot was sealed in the ballot envelope by the individual designated by the circuit court to receive ballots transmitted by fax or electronic mail.

(6) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(7) In case of a primary election, if the voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(8) The ballot has been challenged and not supported.

(b) This subsection applies whenever a voter with a disability is unable to make a signature on a ballot security envelope that corresponds with the voter's signature in the records of the county voter registration office. The voter may request that the voter's signature or mark be attested to by any of the following:

(1) A member of the voter's household.

(2) An individual serving as attorney in fact for the voter.

(c) An attestation under subsection (b) provides an adequate basis for the ballot counters to determine that subsection (a)(2) does not apply to the signature or mark.

(d) If the ballot counters are unable to agree on a finding described under this section or section 6 of this chapter, the county election board shall make the finding.

Sec. 8. (a) Each ballot rejected for any of the reasons prescribed by section 7 of this chapter shall, without being unfolded to disclose how the ballot is marked, be endorsed with the words: "Rejected (giving the reason or reasons for the rejection)."

(b) All rejected ballots shall be enclosed and securely sealed in an envelope on which the ballot counters shall write the words: "Rejected ballots". The ballot counters shall also identify the precinct and the date of the election on the envelope containing the rejected ballots.

(c) The rejected ballots shall be returned to the officer and in the manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.

Sec. 9. To minimize delay, the ballot counters shall continue the count without interruption until all ballots for a precinct are canvassed and the certificates required by this article are prepared and delivered to the persons entitled to receive the certificates.

Sec. 10. During the counting of the votes:

(1) a ballot counter performing the counting;

(2) a member of the county election board; or

(3) a representative designated by the members;

may protest the counting of any ballot or any part of a ballot.

Sec. 11. If a ballot or any part of a ballot is protested, a ballot counter immediately shall write on the back of the protested ballot the word "counted" or "not counted", as appropriate.

Sec. 12. If the ballot counters cannot agree whether to

count a ballot following a protest under section 10 of this chapter, the question shall be referred to the county election board for a decision.

Sec. 13. Following a decision by the ballot counters or the county election board, the ballot counters shall sign each protested ballot.

Sec. 14. A ballot counter may not count ballots for a precinct under this chapter while counting ballots for any other precinct.

Sec. 15. (a) This section applies if at least two (2) sets of ballot counters in a county are counting ballots under this chapter.

(b) A set of ballot counters may count ballots from a precinct while another set of ballot counters is counting ballots from another precinct in the county if each set of counters counts the ballots in compliance with section 5 of this chapter.

Sec. 16. (a) This section applies to the counting of write-in ballots for:

- (1) a federal office received under 42 U.S.C. 1973ff; and
- (2) a federal office, state office, or public question under IC 3-11-4-12(a).

(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not certified a list of electors under IC 3-10-4-5, the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) IC 3-12-1-7 applies to a ballot subject to this section.

Sec. 17. (a) If proof is given to the ballot counters that a voter marked and forwarded a ballot but died before election day, the ballot of the deceased voter shall be rejected under section 7 of this chapter and retained with the other rejected ballots under section 8 of this chapter.

(b) The casting of a ballot by a deceased voter does not invalidate an election.

Sec. 18. When all the votes have been counted, the ballot counters shall prepare a certificate stating the number of votes that each candidate received for each office and the number of votes cast on each public question.

Sec. 19. The number of votes that each candidate and public question received shall be written in words and numbers. The ballot counters shall prepare a memorandum of the total votes cast for each candidate and on each public question and ensure that each member of the county election board receives a copy of the memorandum.

Sec. 20. The ballot counters shall deliver the certificates prepared under section 18 of this chapter and the tally papers to the county election board immediately upon the tabulation of the vote in each precinct.

Sec. 21. As soon as the ballots have been counted, the ballot counters shall in the presence of the county election board do the following:

- (1) Place in a strong paper envelope or bag the following:
 - (A) All ballots, voted and not voted, together with all protested and uncounted ballots.
 - (B) One (1) copy of each of the certificates prepared under IC 3-11.5-4-1 and IC 3-11.5-4-8.
 - (C) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both ballot counters initial the envelope or bag.
- (4) Plainly mark on the outside of the envelope or bag, in ink, the precinct for which the ballots were cast.
- (5) Deliver the envelope or bag to the circuit court clerk.

(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

Sec. 22. Upon delivery of the envelope or bag to the circuit court clerk, each ballot counter shall take and subscribe an oath before the clerk stating that the counter:

- (1) securely kept the ballots and papers in the envelope or bag;
- (2) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and
- (3) had no knowledge of any other person opening the envelope or bag.

Sec. 23. The circuit court clerk shall file the oath taken under section 22 of this chapter with the clerk's other election documents.

Sec. 24. The circuit court clerk shall place the envelope or bag in a receptacle provided by the county executive with two (2) different locks.

Sec. 25. The circuit court clerk shall do the following:

- (1) Lock the receptacle provided under section 24 of this chapter.
- (2) Retain one (1) key to one (1) lock of the receptacle.
- (3) Give one (1) key to the other lock of the receptacle to the member of the county election board who is not a member of the same political party as the clerk.

Sec. 26. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

Sec. 27. If the election is contested, the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During those periods the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

Sec. 28. When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

Sec. 29. A county election board may contract with a state educational institution (as defined in IC 20-12-0.5-1) to dispose of the ballots. The contract must provide that:

- (1) the ballots will be used by the state educational institution to conduct election research; and
- (2) the state educational institution may not receive any ballots under this subsection until the period for retention under IC 3-10-1-31 or IC 3-10-1-31.1 has expired.

Sec. 30. (a) Immediately upon completion of the vote count, the ballot counters shall make and sign a certificate for the news media showing the total number of votes received by each candidate and on each public question in the precinct.

(b) The absentee ballot counters shall deliver the certificate to the circuit court clerk as soon as the certificate is completed. The circuit court clerk shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county immediately upon the completion of the certificate, but not before the closing of the polls.

Sec. 31. (a) This section applies to a person who observes or performs any of the following under this chapter:

- (1) The counting of ballots.
 - (2) The proceedings of ballot counters or the county election board regarding a protested ballot.
 - (3) The preparation of a certificate by ballot counters.
 - (4) The delivery of a certificate to the circuit court clerk or county election board.
- (b) Except as prescribed by this chapter, a person shall not

provide any other person with information concerning the number of votes:

- (1) a candidate received for an office; or
- (2) cast to approve or reject a public question;

on ballots counted under this chapter before the closing of the polls.

Chapter 10. Counting Paper Ballots.

Sec. 1. This chapter applies to counting paper ballots.

Sec. 2. Ballots shall be counted by laying each ballot upon a table in the order in which the ballot was opened.

Sec. 3. During the counting of the ballots, one (1) of the ballot counters shall read the name of the candidates voted for from the ballots. A:

- (1) member of the county election board who is not a member of the same political party as the ballot counter; or
- (2) representative designated by the member;

reading the names shall view the ballots as the names are read.

Chapter 11. Counting Ballots Cast on Ballot Cards

Sec. 1. This chapter applies to the counting of ballots cast on ballot cards.

Sec. 2. The ballot counters shall count the votes for each candidate for each office and on each public question in each precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

Sec. 3. If a ballot is damaged or defective so that the ballot cannot properly be counted by an automatic tabulating machine, a remake team composed of one (1) individual from each of the major political parties of the county shall have the card prepared for processing so as to record accurately the intent of the voter insofar as the intent can be ascertained.

Sec. 4. If necessary, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged card.

Sec. 5. A duplicate ballot card shall be made of a defective card, not including the uncounted votes.

Sec. 6. All duplicate cards must:

- (1) be clearly labeled "duplicate"; and
- (2) bear a serial number that shall be recorded on the damaged or defective card.

Sec. 7. Each duplicate ballot card shall be counted instead of the damaged or defective card.

Sec. 8. If a test of automatic tabulating machines is not conducted for a particular office or public question, the votes for that office shall be counted manually as provided in IC 3-11.3-9.

Sec. 9. If for any reason the county election board determines that it is impracticable to count all or some of the ballots under this chapter with an automatic tabulating machine, the board may direct that the ballot cards be counted manually.

Sec. 10. If ballot cards are counted manually, the tabulation of votes must comply with the standards prescribed by IC 3-11.3-9.

Sec. 11. In addition to the certificates required by IC 3-11.3-9, ballot counters shall deliver the return printed by the automatic tabulating machine to the county election board immediately upon the tabulation of the vote in each precinct.

Sec. 12. In case of a recount, all ballot cards shall be recounted in the manner prescribed by this chapter unless:

- (1) the court ordering the recount or the state recount commission directs that the ballots be counted manually; or
- (2) a request for a manual recount is made under IC 3-12-6 or IC 3-12-11.

SECTION 31. IC 3-11.5-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: **Sec. 5.** This chapter expires January 1, 2012.

SECTION 32. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.** This chapter expires January 1, 2012.

SECTION 33. IC 3-11.5-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.** This chapter expires January 1, 2012.

SECTION 34. IC 3-11.5-3-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.** This chapter expires January 1, 2012.

SECTION 35. IC 3-11.5-4-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29.** This chapter expires January 1, 2012.

SECTION 36. IC 3-11.5-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30.** This chapter expires January 1, 2012.

SECTION 37. IC 3-11.5-6-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34.** This chapter expires January 1, 2012.

SECTION 38. IC 3-11.5-7-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.** This chapter expires January 1, 2012.

SECTION 39. IC 3-11.7-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.** This chapter expires January 1, 2012.

SECTION 40. IC 3-11.7-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.** This chapter expires January 1, 2012.

SECTION 41. IC 3-11.7-3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.** This chapter expires January 1, 2012.

SECTION 42. IC 3-11.7-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.** This chapter expires January 1, 2012.

SECTION 43. IC 3-11.7-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30.** This chapter expires January 1, 2012.

SECTION 44. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.** This chapter expires January 1, 2012.

SECTION 45. IC 3-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 1.5. Auditing Election Results

Sec. 1. This chapter applies to an election in which ballots are counted other than by hand.

Sec. 2. As used in this chapter, "appropriate statistical sample" refers to a sample of ballots or precincts randomly chosen to produce a statistically significant result.

Sec. 3. (a) After each general election, the commission shall conduct an audit of the election.

(b) An audit conducted under this section must hand count an appropriate statistical sample of the paper ballots from the following in each county:

- (1) If the year is a year in which an election for electors

of President and Vice President of the United States is conducted, that election.

(2) At least one (1) election for a state office.

(c) A sample shall be chosen of each of the following for each county:

(1) All precincts within the county.

(2) All absentee ballots.

(3) All ballots cast at a vote center under IC 3-11-18.

Sec. 4. (a) The commission shall take any action:

(1) required by this chapter; and

(2) requiring statistical or sampling knowledge only after consultation with a panel designated under subsection (b).

(b) Each commission member may designate an individual who has a doctoral degree in statistics, or the equivalent of such a degree, to serve on a statistical advisory panel to assist the commission with decisions and analysis of data requiring knowledge of statistics.

Sec. 5. Upon completion of an audit required by this chapter, the commission shall issue an audit report that contains the commission's findings, including findings on the reliability of voting systems used in the election.

SECTION 46. IC 3-12-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. This chapter expires January 1, 2012.

SECTION 47. IC 3-12-3.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. This chapter expires January 1, 2012.

SECTION 48. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) This section applies only to an action described in this section done after December 31, 2011.

(b) A person who knowingly or intentionally does any of the following commits a Class C felony:

(1) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(2) Pays or offers to pay an individual to vote.

(3) Accepts the payment of any property for voting.

(4) Votes at an election when the person is not registered or authorized to vote.

(5) Votes in a precinct except the one in which the person is registered.

(6) Votes in an election in a name other than the person's own name.

(7) Having voted once at an election, votes again at the same election in the person's own name or any other name.

(8) Hires or solicits another person to vote as a voter of a precinct when the person hired or solicited is not a voter of the precinct.

(9) Does any of the following acting as an election officer or other public official upon whom a duty is imposed by this title:

(A) allows a person to vote who is not entitled to vote; or

(B) allows a person to vote by use of an unauthorized procedure.

(10) Takes a ballot legally deposited out of a ballot box or out of a voting system for the purpose of destroying the ballot or substituting another ballot in its place.

(11) Destroys or misplaces a ballot with the intent to substitute another ballot for it or with the intent to prevent the ballot from being counted.

(12) As an election officer or other public official upon whom a duty is imposed by this title marks or defaces a ballot for the purpose of:

(A) identifying the ballot (except by numbering

protested ballots for future reference as provided by law); or

(B) voiding a ballot.

(13) As a ballot counter, does either of the following:

(A) causes the vote to be incorrectly taken down for a candidate or public question; or

(B) makes a false statement, certificate, or return of any kind of that vote.

(14) With intent to defraud does any of the following:

(A) Alters an election return.

(B) Destroys, misplaces, or loses a tally sheet.

(C) Alters the vote of a candidate or on a public question as returned by the county election board or its employees.

(c) Notwithstanding IC 35-50-2-6(a), a person who is convicted of a Class C felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-6(a), be fined not more than one hundred twenty-five thousand dollars (\$125,000).

SECTION 49. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "committee" refers to the vote by mail transition advisory committee established by this SECTION.

(b) The vote by mail transition advisory committee is established.

(c) The committee consists of the following:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives.

(2) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.

(3) Two (2) members of the senate appointed by the president pro tempore of the senate.

(4) Two (2) members of the senate appointed by the minority leader of the senate.

(5) One (1) circuit court clerk appointed by the speaker of the house of representatives.

(6) One (1) circuit court clerk appointed by the minority leader of the house of representatives.

(7) One (1) circuit court clerk appointed by the president pro tempore of the senate.

(8) One circuit court clerk appointed by the minority leader of the senate.

(d) The committee shall do the following:

(1) Study all issues relating to the transition from using current voting systems to conducting all elections by mail-in ballots.

(2) Assess the results of permitting voters to cast absentee ballots without requiring voters to state a reason for casting absentee ballots.

(3) Make recommendations for legislation to amend the Indiana Code so that all elections after December 31, 2011, are conducted by mail-in ballots

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(g) This SECTION expires January 1, 2011.

(Reference is to HB 1808 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

PIERCE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and

Utilities, to which was referred House Bill 1824, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-2-84.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 84.1. (a) This section applies to a transaction involving:**

- (1) a merger, consolidation, reorganization, or union involving an energy company;
- (2) a tender offer or contract for the purchase, acquisition, assignment, or transfer of stock of an energy company; or
- (3) a transaction described in subdivision (1) or (2) that:

(A) is combined with one (1) or more transactions described in subdivision (1) or (2);

(B) is conducted within three (3) years of a transaction described in subdivision (1) or (2); and

(C) causes at least fifty percent (50%) of the shares of an energy company's stock that are:

- (i) outstanding at the time of the transaction; and
- (ii) entitled to vote generally in the election of the energy company's board of directors;

to be beneficially held, directly or indirectly, immediately after the transaction by persons other than the persons that beneficially held, directly or indirectly, the shares of the energy company's stock immediately before the transaction.

(b) This section does not apply to a transaction involving an exempt wholesale generator or a direct or an indirect affiliate of an exempt wholesale generator if either the generator or the affiliate:

- (1) is under the jurisdiction of the federal energy regulatory commission; and
- (2) either:

(A) is not controlled by; or

(B) is not an affiliate of;

an energy utility that engages in retail sales in Indiana.

(c) As used in this section, "energy company" means an energy utility or an energy utility holding company.

(d) As used in this section, "energy utility" means an energy utility (as defined in IC 8-1-2.5-2) that provides retail energy service (as defined in IC 8-1-2.5-3) to more than forty thousand (40,000) retail gas or electric customers in Indiana.

(e) As used in this section, "energy utility holding company" means a corporation, company, partnership, or limited liability company that owns an energy utility.

(f) Except as provided in subsection (g), without the prior approval of the commission, a person may not, except in an intracorporate transaction, consummate a transaction described in subsection (a) that causes at least fifty percent (50%) of the then outstanding shares of an energy company's stock entitled to vote generally in the election of the energy company's directors to be beneficially held, directly or indirectly, immediately after the transaction by persons other than the persons that beneficially held, directly or indirectly, the shares of the energy company's stock immediately before the transaction.

(g) If the transaction to be consummated under subsection (f) is a transaction described in subsection (a)(3), approval by the commission is required only for the particular transaction that causes at least fifty percent (50%) of the then outstanding shares of the energy company's stock entitled to be voted generally in the election of the energy

company's directors to be beneficially held, directly or indirectly, immediately after the transaction by persons other than the persons that beneficially held, directly or indirectly, the shares of the energy company's stock immediately before the particular transaction.

(h) An energy company that seeks approval of a transaction subject to this section shall file an application with the commission. In determining whether to approve a transaction subject to this section, the commission shall consider the following:

(1) The financial, technical, and managerial capacity of the new entity.

(2) The effect of the merger on the provision and cost of service to customers of the energy utility involved in the transaction.

(i) After notice and hearing, the commission shall approve a transaction subject to this section if the commission:

(1) considers the effect of the transaction on the provision and cost of service to customers; and

(2) finds that the transaction will result in a new entity with the technical, financial, and managerial capacity to provide adequate and reliable retail energy service.

(j) The commission shall, after notice and public hearing, enter an order either approving or disapproving a transaction subject to this section not later than one hundred thirty-five (135) days after the date on which an energy company files an application with the commission for approval of the proposed transaction. If the commission fails to issue an order within the one hundred thirty-five (135) day period allowed the commission under this subsection, the transaction shall be considered approved by operation of law as of the first day following the one hundred thirty-five (135) day period described in this subsection. If the transaction is approved by the commission or considered approved under this subsection, the commission may not take action in any state or federal administrative or judicial proceeding to oppose the transaction. Notwithstanding any other law, rule, or order, an order entered under this section is not subject to a petition for rehearing to the commission, and an appeal from the order must be filed in the Indiana supreme court not more than twenty (20) days after the date of the order.

(k) If commission approval of a transaction involving a:

(1) merger, consolidation, reorganization, or union involving an energy company; or

(2) tender offer or contract for the purchase, acquisition, assignment, or transfer of stock of an energy company;

is not required under this section, commission approval of the transaction is not required under any other provision of this title.

(l) This chapter does not:

(1) prevent the holding of an energy company's stock that is lawfully acquired before April 1, 2007; or

(2) prohibit a merger, consolidation, reorganization, or union involving an energy company if the transaction was lawfully completed before April 1, 2007.

(m) This section does not nullify, restrict, or limit the authority of the commission under sections 83 and 84 of this chapter.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) As used in this SECTION, "electric utility" means a public utility (as defined in IC 8-1-2-1(a)) that:

(1) provides retail electric service to:

(A) more than four hundred thousand (400,000); but

(B) less than five hundred thousand (500,000);

retail electric customers in Indiana on April 1, 2007; and

(2) has a service area that includes, among other counties, the counties described in IC 36-7-7.6-1.

(c) As used in this SECTION, "electric utility holding company" means a corporation, company, partnership, or limited liability company that owns an electric utility.

(d) As used in this SECTION, "regional public power authority" means a multicounty public power authority established to:

(1) acquire the generation, transmission, and distribution assets of an electric utility or an electric utility holding company;

(2) own and operate the assets described in subdivision (1); and

(3) act as a nonprofit utility to provide retail electric service to residential, commercial, industrial, and governmental customers within the participating units.

(e) The commission shall study the feasibility of establishing a regional public power authority. The study required by this subsection must include the following:

(1) An examination of the need to:

(A) enact new state statutes or regulations; or

(B) amend existing state statutes or regulations;

to permit the establishment of a regional public power authority.

(2) A valuation of the electric utility's generation, transmission, and distribution assets to be acquired by the regional public power authority.

(3) A study of:

(A) existing and potential funding sources or other mechanisms, including the use of eminent domain, available to the regional public power authority to acquire the assets described in subdivision (2); and

(B) the method for determining each participating unit's respective:

(i) contribution toward the acquisition of the assets; and

(ii) ownership interest in the assets acquired.

(4) A study of similarly sized public power authorities operating in the United States, including information on the assets, expenses, operations, management, and customer bases of the authorities, to the extent the information is available.

(5) A cost benefit analysis of establishing a regional public power authority.

(6) A determination of whether the establishment of a regional public power authority is in the public interest.

(7) An examination of any other issues concerning the establishment of a regional public power authority that the commission considers relevant or necessary for study.

(f) As necessary to conduct the study required by subsection (e), the commission may:

(1) make use of the commission's existing resources and technical staff;

(2) employ or consult with outside analysts, engineers, experts, or other professionals; and

(3) consult with other:

(A) public power authorities operating in the United States; or

(B) state regulatory commissions that:

(i) regulate public power authorities; or

(ii) have conducted similar studies.

(g) Not later than December 31, 2007, the commission shall provide a report to the following on the commission's findings from the study conducted under subsection (e):

(1) The regulatory flexibility committee established by IC 8-1-2.6-4. The report provided to the regulatory flexibility committee under this subsection must be separate from the commission's annual report to the regulatory flexibility committee under IC 8-1-2.5-9(b).

(2) The legislative council. The report provided to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(3) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(4) The county executive of each county in the electric utility's service area on April 1, 2007.

(h) The report required by subsection (g) must contain the following:

(1) A summary of the commission's findings with respect to each issue set forth in subsection (e).

(2) Recommendations to the regulatory flexibility committee on any legislation needed to establish a regional public power authority.

(3) Any other findings or recommendations that the commission considers relevant or useful to the entities described in subsection (g).

(i) Before the commission submits its report under subsection (g), any entity described in subsection (g) may require the commission to provide one (1) or more status reports on the commission's study under subsection (e). A status report provided to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(j) The regulatory flexibility committee:

(1) shall review the analyses and recommendations of the commission contained in:

(A) any status reports provided by the commission under subsection (i); and

(B) the commission's final report provided under subsection (g); and

(2) may recommend to the general assembly any legislation that is necessary to establish a regional public power authority in Indiana, if the regulatory flexibility committee determines that the establishment of a regional public power authority is in the public interest.

(k) This SECTION does not empower the commission or any entity described in subsection (g) to require an electric utility to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission and all entities described in subsection (g) shall exercise all necessary caution to avoid disclosure of confidential information supplied under this SECTION.

SECTION 3. An emergency is declared for this act.

(Reference is to HB 1824 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2007]

(a) The following definitions apply throughout this act:

(1) "Augmentation allowed" means the governor and the budget agency are authorized to add to an appropriation in

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

this act from revenues accruing to the fund from which the appropriation was made.

(2) "Biennium" means the period beginning July 1, 2007, and ending June 30, 2009. Appropriations appearing in the biennial column for construction or other permanent improvements do not revert under IC 4-13-2-19 and may be allotted.

(3) "Deficiency appropriation" or "special claim" means an appropriation available during the 2006-2007 fiscal year.

(4) "Equipment" includes machinery, implements, tools, furniture, furnishings, vehicles, and other articles that have a calculable period of service that exceeds twelve (12) calendar months.

(5) "Fee replacement" includes payments to universities to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes.

(6) "Other operating expense" includes payments for "services other than personal", "services by contract", "supplies, materials, and parts", "grants, subsidies, refunds, and awards", "in-state travel", "out-of-state travel", and "equipment".

(7) "Pension fund contributions" means the state of Indiana's contributions to a specific retirement fund.

(8) "Personal services" includes payments for salaries and wages to officers and employees of the state (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health insurance, life insurance, dental insurance, vision insurance, deferred compensation - state match, leave conversion, disability, and retirement fund contributions.

(9) "SSBG" means the Social Services Block Grant. This was formerly referred to as "Title XX".

(10) "State agency" means:

(A) each office, officer, board, commission, department, division, bureau, committee, fund, agency, authority, council, or other instrumentality of the state;

(B) each hospital, penal institution, and other institutional enterprise of the state;

(C) the judicial department of the state; and

(D) the legislative department of the state.

However, this term does not include cities, towns, townships, school cities, school townships, school districts, other municipal corporations or political subdivisions of the state, or universities and colleges supported in whole or in part by state funds.

(11) "Total operating expense" includes payments for both "personal services" and "other operating expense".

(b) The state board of finance may authorize advances to boards or persons having control of the funds of any institution or department of the state of a sum of money out of any appropriation available at such time for the purpose of establishing working capital to provide for payment of expenses in the case of emergency when immediate payment is necessary or expedient. Advance payments shall be made by warrant by the auditor of state, and properly itemized and receipted bills or invoices shall be filed by the board or persons receiving the advance payments.

(c) All money appropriated by this act shall be considered either a direct appropriation or an appropriation from a rotary or revolving fund.

(1) Direct appropriations are subject to withdrawal from the state treasury and for expenditure for such purposes, at such time, and in such manner as may be prescribed by law.

Direct appropriations are not subject to return and rewithdrawal from the state treasury, except for the correction of an error which may have occurred in any transaction or for reimbursement of expenditures which have occurred in the same fiscal year.

(2) A rotary or revolving fund is any designated part of a fund that is set apart as working capital in a manner prescribed by law and devoted to a specific purpose or purposes. The fund consists of earnings and income only from certain sources or a combination thereof. The money in the fund shall be used for the purpose designated by law as working capital. The fund at any time consists of the original appropriation thereto, if any, all receipts accrued to the fund, and all money withdrawn from the fund and invested or to be invested. The fund shall be kept intact by separate entries in the auditor of state's office, and no part thereof shall be used for any purpose other than the lawful purpose of the fund or revert to any other fund at any time. However, any unencumbered excess above any prescribed amount shall be transferred to the state general fund at the close of each fiscal year unless otherwise specified in the Indiana Code.

SECTION 2. [EFFECTIVE JULY 1, 2007]

For the conduct of state government, its offices, funds, boards, commissions, departments, societies, associations, services, agencies, and undertakings, and for other appropriations not otherwise provided by statute, the following sums in SECTIONS 3 through 10 are appropriated for the periods of time designated from the general fund of the state of Indiana or other specifically designated funds.

In this act, whenever there is no specific fund or account designated, the appropriation is from the general fund.

SECTION 3. [EFFECTIVE JULY 1, 2007]

GENERAL GOVERNMENT

A. LEGISLATIVE

FOR THE GENERAL ASSEMBLY

LEGISLATORS' SALARIES - HOUSE

Total Operating Expense	4,068,016	4,728,016
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HOUSE EXPENSES

Total Operating Expense	9,936,755	10,097,001
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LEGISLATORS' SALARIES - SENATE

Total Operating Expense	1,571,845	1,596,366
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SENATE EXPENSES

Total Operating Expense	8,836,759	9,380,692
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Included in the above appropriations for house and senate expenses are funds for a legislative business per diem allowance, meals, and other usual and customary expenses associated with legislative affairs. Except as provided below, this allowance is to be paid to each member of the general assembly for every day, including Sundays, during which the general assembly is convened in regular or special session, commencing with the day the session is officially convened and concluding with the day the session is adjourned sine die. However, after five (5) consecutive days of recess, the legislative business per diem allowance is to be made on an individual voucher basis until the recess concludes.

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

Members of the general assembly are entitled, when authorized by the speaker of the house or the president pro tempore of the senate, to the legislative business per diem allowance for each and every day engaged in official business.

The legislative business per diem allowance that each member of the general assembly is entitled to receive equals the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area. The legislative business per diem changes each time there is a change in that maximum daily amount.

In addition to the legislative business per diem allowance, each member of the general assembly shall receive the mileage allowance in an amount equal to the standard mileage rates for personally owned transportation equipment established by the federal Internal Revenue Service for each mile necessarily traveled from the member's usual place of residence to the state capitol. However, if the member traveled by a means other than by motor vehicle, and the member's usual place of residence is more than one hundred (100) miles from the state capitol, the member is entitled to reimbursement in an amount equal to the lowest air travel cost incurred in traveling from the usual place of residence to the state capitol. During the period the general assembly is convened in regular or special session, the mileage allowance shall be limited to one (1) round trip each week per member.

Any member of the general assembly who is appointed, by the governor, speaker of the house, president or president pro tempore of the senate, house or senate minority floor leader, or Indiana legislative council to serve on any research, study, or survey committee or commission, or who attends any meetings authorized or convened under the auspices of the Indiana legislative council, including pre-session conferences and federal-state relations conferences, is entitled, when authorized by the legislative council, to receive the legislative business per diem allowance for each day in actual attendance and is also entitled to a mileage allowance, at the rate specified above, for each mile necessarily traveled from the member's usual place of residence to the state capitol, or other in-state site of the committee, commission, or conference. The per diem allowance and the mileage allowance permitted under this paragraph shall be paid from the legislative council appropriation for legislator and lay member travel unless the member is attending an out-of-state meeting, as authorized by the speaker of the house of representatives or the president pro tempore of the senate, in which case the member is entitled to receive:

(1) the legislative business per diem allowance for each day the member is engaged in approved out-of-state travel; and
(2) reimbursement for traveling expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the legislative council.

Notwithstanding the provisions of this or any other statute, the legislative council may adopt, by resolution, travel policies and procedures that apply only to members of the general assembly or to the staffs of the house of representatives, senate, and legislative services agency, or both members and staffs. The legislative council may apply

these travel policies and procedures to lay members serving on research, study, or survey committees or commissions that are under the jurisdiction of the legislative council. Notwithstanding any other law, rule, or policy, the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency do not apply to members of the general assembly, to the staffs of the house of representatives, senate, or legislative services agency, or to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council (if the legislative council applies its travel policies and procedures to lay members under the authority of this SECTION), except that, until the legislative council adopts travel policies and procedures, the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency apply to members of the general assembly, to the staffs of the house of representatives, senate, and legislative services agency, and to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council. The executive director of the legislative services agency is responsible for the administration of travel policies and procedures adopted by the legislative council. The auditor of state shall approve and process claims for reimbursement of travel related expenses under this paragraph based upon the written affirmation of the speaker of the house of representatives, the president pro tempore of the senate, or the executive director of the legislative services agency that those claims comply with the travel policies and procedures adopted by the legislative council. If the funds appropriated for the house and senate expenses and legislative salaries are insufficient to pay all the necessary expenses incurred, including the cost of printing the journals of the house and senate, there is appropriated such further sums as may be necessary to pay such expenses.

LEGISLATORS' SUBSISTENCE

LEGISLATORS' EXPENSES - HOUSE

Total Operating Expense	2,310,000	2,310,000
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LEGISLATORS' EXPENSES - SENATE

Total Operating Expense	1,140,935	986,734
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Each member of the general assembly is entitled to a subsistence allowance of forty percent (40%) of the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area:

(1) each day that the general assembly is not convened in regular or special session; and
(2) each day after the first session day held in November and before the first session day held in January.

However, the subsistence allowance under subdivision (2) may not be paid with respect to any day after the first session day held in November and before the first session day held in January with respect to which all members of the general assembly are entitled to a legislative business per diem.

The subsistence allowance is payable from the appropriations for legislators' subsistence.

The officers of the senate are entitled to the following

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

amounts annually in addition to the subsistence allowance: president pro tempore, \$6,500; assistant president pro tempore, \$2,500; majority floor leader emeritus, \$1,500; majority floor leader, \$5,000; assistant majority floor leader, \$1,000; majority caucus chair, \$5,000; assistant majority caucus chair, \$1,000; appropriations committee chair, \$5,000; tax and fiscal policy committee chair, \$5,000; appropriations committee ranking majority member, \$1,500; tax and fiscal policy committee ranking majority member, \$1,500; majority whip, \$3,500; assistant majority whip, \$1,000; minority floor leader, \$5,500; minority leader pro tempore, \$1,000; minority caucus chair, \$4,500; minority assistant floor leader, \$4,500; appropriations committee ranking minority member, \$2,000; tax and fiscal policy committee ranking minority member, \$2,000; minority whip, \$2,500; assistant minority whip, \$500; and assistant minority caucus chair, \$500.

Officers of the house of representatives are entitled to the following amounts annually in addition to the subsistence allowance: speaker of the house, \$6,500; speaker pro tempore, \$5,000; deputy speaker pro tempore, \$1,500; majority leader, \$5,000; majority caucus chair, \$5,000; assistant majority caucus chair, \$1,000; ways and means committee chair, \$5,000; ways and means committee ranking majority member, \$3,000; ways and means committee, chairman of the education subcommittee, \$1,500; speaker pro tempore emeritus, \$1,500; budget subcommittee chair, \$3,000; majority whip, \$3,500; assistant majority whip, \$1,000; assistant majority leader, \$1,000; minority leader, \$5,500; minority caucus chair, \$4,500; ways and means committee ranking minority member, \$3,500; minority whip, \$2,500; assistant minority leader, \$4,500; second assistant minority leader, \$1,500; and deputy assistant minority leader, \$1,000.

If the senate or house of representatives eliminates a committee or officer referenced in this SECTION and replaces the committee or officer with a new committee or position, the foregoing appropriations for subsistence shall be used to pay for the new committee or officer. However, this does not permit any additional amounts to be paid under this SECTION for a replacement committee or officer than would have been spent for the eliminated committee or officer. If the senate or house of representatives creates a new additional committee or officer, or assigns additional duties to an existing officer, the foregoing appropriations for subsistence shall be used to pay for the new committee or officer, or to adjust the annual payments made to the existing officer, in amounts determined by the legislative council.

If the funds appropriated for legislators' subsistence are insufficient to pay all the subsistence incurred, there are hereby appropriated such further sums as may be necessary to pay such subsistence.

FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY

Total Operating Expense	9,244,000	9,605,000
LEGISLATOR AND LAY MEMBER TRAVEL		
Total Operating Expense	610,000	635,000

Included in the above appropriations for the legislative council and legislative services agency expenses are funds

for usual and customary expenses associated with legislative services.

If the funds above appropriated for the legislative council and the legislative services agency and legislator and lay member travel are insufficient to pay all the necessary expenses incurred, there are hereby appropriated such further sums as may be necessary to pay those expenses.

Any person other than a member of the general assembly who is appointed by the governor, speaker of the house, president or president pro tempore of the senate, house or senate minority floor leader, or legislative council to serve on any research, study, or survey committee or commission is entitled, when authorized by the legislative council, to a per diem instead of subsistence of \$75 per day during the 2007-2009 biennium. In addition to the per diem, such a person is entitled to mileage reimbursement, at the rate specified for members of the general assembly, for each mile necessarily traveled from the person's usual place of residence to the state capitol or other in-state site of the committee, commission, or conference. However, reimbursement for any out-of-state travel expenses claimed by lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council shall be based on SECTION 14 of this act, until the legislative council applies those travel policies and procedures that govern legislators and their staffs to such lay members as authorized elsewhere in this SECTION. The allowance and reimbursement permitted in this paragraph shall be paid from the legislative council appropriations for legislative and lay member travel unless otherwise provided for by a specific appropriation.

LEGISLATIVE COUNCIL CONTINGENCY FUND

Total Operating Expense	223,614
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Disbursements from the fund may be made only for purposes approved by the chairman and vice chairman of the legislative council.

The legislative services agency shall charge the following fees, unless the legislative council sets these or other fees at different rates:

Annual subscription to the session document service for sessions ending in odd-numbered years: \$900

Annual subscription to the session document service for sessions ending in even-numbered years: \$500

Per page charge for copies of legislative documents: \$0.15

Annual charge for interim calendar: \$10

Daily charge for the journal of either house: \$2

PRINTING AND DISTRIBUTION

Total Operating Expense	872,000	905,000
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The above funds are appropriated for the printing and distribution of documents published by the legislative council. These documents include journals, bills, resolutions, enrolled documents, the acts of the first and second regular sessions of the 115th general assembly, the supplements to

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

the Indiana Code for fiscal years 2007-2008 and 2008-2009, and the publication of the Indiana Administrative Code and the Indiana Register. Upon completion of the distribution of the Acts and the supplements to the Indiana Code, as provided in IC 2-6-1.5, remaining copies may be sold at a price or prices periodically determined by the legislative council. If the above appropriations for the printing and distribution of documents published by the legislative council are insufficient to pay all of the necessary expenses incurred, there are hereby appropriated such sums as may be necessary to pay such expenses.

COUNCIL OF STATE GOVERNMENTS ANNUAL DUES

Other Operating Expense	138,408	143,944
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NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES

Other Operating Expense	176,357	190,337
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NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES

Other Operating Expense	10,000	10,000
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FOR THE INDIANA LOBBY REGISTRATION COMMISSION

Total Operating Expense	257,900	271,910
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FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND

LEGISLATORS' RETIREMENT FUND Total Operating Expense	100,000	100,000
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B. JUDICIAL

FOR THE SUPREME COURT

Personal Services	7,403,027	7,664,269
Other Operating Expense	2,232,192	2,251,965

The above appropriation for the supreme court personal services includes the subsistence allowance as provided by IC 33-38-5-8.

LOCAL JUDGES' SALARIES

Personal Services	50,674,246	50,812,798
Other Operating Expense	39,000	39,000

COUNTY PROSECUTORS' SALARIES

Personal Services	23,821,199	23,821,199
Other Operating Expense	31,000	31,000

The above appropriations for county prosecutors' salaries represent the amounts authorized by IC 33-39-6-5 and that are to be paid from the state general fund.

In addition to the appropriations for local judges' salaries and for county prosecutors' salaries, there are hereby appropriated for personal services the amounts that the state is required to pay for salary changes or for additional courts created by the 115th general assembly.

TRIAL COURT OPERATIONS

Total Operating Expense	612,850	618,850
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INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY

Total Operating Expense	800,000	800,000
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The above funds are appropriated to the division of state

court administration in compliance with the provisions of IC 33-24-13-7.

PUBLIC DEFENDER COMMISSION

Personal Services	76,294	81,664
Other Operating Expense	10,523,706	11,518,336

The above appropriation is made in addition to the distribution authorized by IC 33-37-7-9(c) for the purpose of reimbursing counties for indigent defense services provided to a defendant. The division of state court administration of the supreme court of Indiana shall provide staff support to the commission and shall administer the public defense fund. The administrative costs may come from the public defense fund. Any balance in the public defense fund is appropriated to the public defender commission.

GUARDIAN AD LITEM

Personal Services	13,454	13,454
Other Operating Expense	3,222,658	3,222,658

The division of state court administration shall use the foregoing appropriation to administer an office of guardian ad litem and court appointed special advocate services and to provide matching funds to counties that are required to implement, in courts with juvenile jurisdiction, a guardian ad litem and court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IC 31-33 and to administer the program. A county may use these matching funds to supplement amounts collected as fees under IC 31-40-3 to be used for the operation of guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for these matching funds.

CIVIL LEGAL AID

Total Operating Expense	2,000,000	2,000,000
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The above funds are appropriated to the division of state court administration in compliance with the provisions of IC 33-24-12-7.

SPECIAL JUDGES - COUNTY COURTS

Personal Services	15,000	15,000
Other Operating Expense	134,000	134,000

If the funds appropriated above for special judges of county courts are insufficient to pay all of the necessary expenses that the state is required to pay under IC 34-35-1-4, there are hereby appropriated such further sums as may be necessary to pay these expenses.

COMMISSION ON RACE AND GENDER FAIRNESS

Total Operating Expense	370,996	380,996
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FOR THE COURT OF APPEALS

Personal Services	8,902,011	9,141,271
Other Operating Expense	1,467,625	1,249,470

The above appropriations for the court of appeals personal services includes the subsistence allowance provided by IC 33-38-5-8.

	<i>FY 2007-08 Appro.</i>	<i>FY 2008-09 Appro.</i>	<i>Biennial Appro.</i>		<i>FY 2007-08 Appro.</i>	<i>FY 2008-08 Appro.</i>	<i>Biennial Appro.</i>
FOR THE TAX COURT				not subject to the provisions of IC 5-22.			
Personal Services	516,747	529,050		GOVERNOR'S FELLOWSHIP PROGRAM			
Other Operating Expense	128,927	143,963		Total Operating Expense	250,045	250,045	
FOR THE JUDICIAL CENTER				FOR THE WASHINGTON LIAISON OFFICE			
Personal Services	1,973,273	2,045,255		Total Operating Expense	195,000	195,000	
Other Operating Expense	1,612,796	1,602,604		FOR THE LIEUTENANT GOVERNOR			
The above appropriations for the judicial center include the appropriations for the judicial conference.				Personal Services	1,780,280	1,780,280	
DRUG AND ALCOHOL PROGRAMS FUND				Other Operating Expense	724,410	724,410	
Personal Services	285,569	285,569		CONTINGENCY FUND			
Other Operating Expense	13,441	13,441		Total Operating Expense		34,626	
The above funds are appropriated under IC 33-37-7-9 for the purpose of administering, certifying, and supporting alcohol and drug services programs under IC 12-23-14. However, if the receipts are less than the appropriation, the center may not spend more than is collected.				Direct disbursements from the above contingency fund are not subject to the provisions of IC 5-22.			
INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION				FOR THE SECRETARY OF STATE ADMINISTRATION			
Personal Services	81,540	81,540		Personal Services	2,148,297	2,148,297	
Other Operating Expense	61,307	61,307		Other Operating Expense	255,919	255,919	
Augmentation allowed from fee increases enacted in the 2003 general assembly under IC 11-13-4.5-4.				FOR THE ATTORNEY GENERAL ATTORNEY GENERAL			
FOR THE PUBLIC DEFENDER				From the General Fund	14,463,506	14,463,506	
Personal Services	5,941,901	6,179,783		From the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	389,344	389,344	
Other Operating Expense	985,133	985,133		Augmentation allowed.			
FOR THE PUBLIC DEFENDER COUNCIL				The amounts specified from the General Fund and the Tobacco Master Settlement Agreement Fund are for the following purposes:			
Personal Services	942,195	943,779		Personal Services	13,681,809	13,681,809	
Other Operating Expense	490,136	459,141		Other Operating Expense	1,171,041	1,171,041	
FOR THE PROSECUTING ATTORNEYS' COUNCIL				HOMEOWNER PROTECTION UNIT (IC 4-6-12-9)			
Personal Services	622,639	623,828		Total Operating Expense	63,391	63,391	
Other Operating Expense	591,448	591,448		MEDICAID FRAUD UNIT			
DRUG PROSECUTION				Total Operating Expense	829,789	829,789	
Drug Prosecution Fund (IC 33-39-8-6)				The above appropriations to the Medicaid fraud unit are the state's matching share of the state Medicaid fraud control unit under IC 4-6-10 as prescribed by 42 U.S.C. 1396b(q). Augmentation allowed from collections.			
Total Operating Expense	103,436	103,436		UNCLAIMED PROPERTY			
Augmentation allowed.				Abandoned Property Fund (IC 32-34-1-33)			
FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND				Personal Services	1,317,228	1,317,228	
JUDGES' RETIREMENT FUND				Other Operating Expense	3,172,360	3,172,360	
Other Operating Expense	10,753,661	11,708,522		Augmentation allowed.			
PROSECUTORS' RETIREMENT FUND				D. FINANCIAL MANAGEMENT			
Other Operating Expense	170,000	170,000		FOR THE AUDITOR OF STATE			
C. EXECUTIVE				Personal Services	4,587,218	4,587,218	
FOR THE GOVERNOR'S OFFICE				Other Operating Expense	1,388,632	1,388,632	
Personal Services	2,002,085	2,002,085		GOVERNORS' AND GOVERNORS' SURVIVING SPOUSES' PENSIONS			
Other Operating Expense	375,000	375,000		Total Operating Expense	123,500	123,500	
GOVERNOR'S RESIDENCE				Direct disbursements from the above contingency fund are			
Total Operating Expense	148,724	148,724					
GOVERNOR'S CONTINGENCY FUND							
Total Operating Expense		170,000					

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

The above appropriations for governors' and governors' surviving spouses' pensions are made under IC 4-3-3.

FOR THE STATE BOARD OF ACCOUNTS

Personal Services	20,798,302	20,798,302
Other Operating Expense	1,340,277	1,340,277
GOVERNOR ELECT		
Total Operating Expense	0	40,000

FOR THE STATE BUDGET COMMITTEE

Total Operating Expense	60,000	60,000
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Notwithstanding IC 4-12-1-11(b), the salary per diem of the legislative members of the budget committee is an amount equal to one hundred fifty percent (150%) of the legislative business per diem allowance. If the above appropriations are insufficient to carry out the necessary operations of the budget committee, there are hereby appropriated such further sums as may be necessary.

FOR THE OFFICE OF MANAGEMENT AND BUDGET

Personal Services	1,192,305	1,192,305
Other Operating Expense	65,958	65,958

FOR THE STATE BUDGET AGENCY

Personal Services	3,118,097	3,118,097
Other Operating Expense	512,409	512,409

BUILD INDIANA FUND ADMINISTRATION

Build Indiana Fund (IC 4-30-17)		
Other Operating Expense	1	1

DEPARTMENTAL AND INSTITUTIONAL EMERGENCY CONTINGENCY FUND

Total Operating Expense	10,000,000	
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The foregoing departmental and institutional emergency contingency fund appropriation is subject to allotment to departments, institutions, and all state agencies by the budget agency with the approval of the governor. These allocations may be made upon written request of proper officials, showing that contingencies exist that require additional funds for meeting necessary expenses. The budget committee shall be advised of each transfer request and allotment.

OUTSIDE BILLS CONTINGENCY

Total Operating Expense	1	
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PERSONAL SERVICESFRINGE BENEFITS CONTINGENCY FUND

Total Operating Expense	89,000,000	
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The foregoing personal services/fringe benefits contingency fund appropriation is subject to allotment to departments, institutions, and all state agencies by the budget agency with the approval of the governor.

The foregoing personal services/fringe benefits contingency fund appropriation must be allocated to fund the following priorities in the order presented:

(1) Fully fund the growth in employee healthcare cost.

(2) Provide salary increases based on employment classification with the lowest paid classification receiving the largest percentage increase and the highest paid classification receiving the smallest percentage increase.

(3) Any money remaining may be used for an employee leave conversion program or a severance package for workers terminated through privatization in the 2007-2009 biennium and may not be used for any other purpose. Funding is prohibited for any and all merit related compensation programs not explicitly approved by the general assembly.

The foregoing personal services/fringe benefits contingency fund appropriation does not revert at the end of the biennium but remains in the personal services/fringe benefits contingency fund.

COMPREHENSIVE HEALTH INSURANCE ASSOCIATION STATE SHARE

Total Operating Expense	44,300,000	46,500,000
Augmentation Allowed.		

SCHOOL AND LIBRARY INTERNET CONNECTION

Build Indiana Fund (IC 4-30-17)		
Other Operating Expense		7,000,000

Of the foregoing appropriations, \$2,300,000 each year shall be used for schools under IC 4-34-3-4, and \$1,200,000 each year shall be used for libraries under IC 4-34-3-2.

INSPIRE (IC 4-34-3-2)

Build Indiana Fund (IC 4-30-17)		
Other Operating Expense		2,500,000

AREA HEALTH EDUCATION CENTERS

Total Operating Expense	1,250,000	1,750,000
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FOR THE TREASURER OF STATE

Personal Services	827,756	827,756
Other Operating Expense	42,350	42,350

The treasurer of state, the board for depositories, the Indiana commission for higher education, and the state student assistance commission shall cooperate and provide to the Indiana education savings authority the following:

- (1) Clerical and professional staff and related support.
- (2) Office space and services.
- (3) Reasonable financial support for the development of rules, policies, programs, and guidelines, including authority operations and travel.

E. TAX ADMINISTRATION

FOR THE DEPARTMENT OF REVENUE

COLLECTION AND ADMINISTRATION

General Fund	54,187,575	53,427,575
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Motor Carrier Regulation Fund (IC 8-2.1-23)		
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794,261	794,261
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Motor Vehicle Highway		
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<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

Account (IC 8-14-1)

2,449,434	2,449,434
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Augmentation allowed from the Motor Carrier Regulation Fund and the Motor Vehicle Highway Account.

The amounts specified from the General Fund, Motor Carrier Regulation Fund, and the Motor Vehicle Highway Account are for the following purposes:

Personal Services	40,726,571	40,726,571
Other Operating Expense	16,704,699	15,944,699

With the approval of the governor and the budget agency, the department shall annually reimburse the state general fund for expenses incurred in support of the collection of dedicated fund revenue according to the department's cost allocation plan.

With the approval of the governor and the budget agency, the foregoing sums for the department of state revenue may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department of state revenue from taxes and fees.

OUTSIDE COLLECTIONS

Total Operating Expense	3,300,000	3,300,000
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With the approval of the governor and the budget agency, the foregoing sums for the department of state revenue's outside collections may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department from taxes and fees.

MOTOR CARRIER REGULATION

Motor Carrier Regulation Fund (IC 8-2.1-23)

Personal Services	1,538,712	1,538,712
Other Operating Expense	4,354,961	4,354,961

Augmentation allowed from the Motor Carrier Regulation Fund.

MOTOR FUEL TAX DIVISION

Motor Vehicle Highway

Account (IC 8-14-1)

Personal Services	8,772,328	8,772,328
Other Operating Expense	4,074,734	4,074,734

Augmentation allowed from the Motor Vehicle Highway Account.

In addition to the foregoing appropriations, there is hereby appropriated to the department of revenue motor fuel tax division an amount sufficient to pay claims for refunds on license-fee-exempt motor vehicle fuel as provided by law. The sums above appropriated from the motor vehicle highway account for the operation of the motor fuel tax division, together with all refunds for license-fee-exempt motor vehicle fuel, shall be paid from the receipts of those license fees before they are distributed as provided by IC 6-6-1.1.

FOR THE INDIANA GAMING COMMISSION

State Gaming Fund (IC 4-33-13-3)

3,463,789	3,463,789
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Gaming Investigations

525,000	525,000
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The amounts specified from the state gaming fund and gaming investigations are for the following purposes:

Personal Services	3,035,629	3,035,629
Other Operating Expense	953,160	953,160

The foregoing appropriations to the Indiana gaming commission are made from revenues accruing to the state gaming fund under IC 4-33-13-3 before any distribution is made under IC 4-33-13-5.

Augmentation allowed.

The foregoing appropriations to the Indiana gaming commission are made instead of the appropriation made in IC 4-33-13-4.

Notwithstanding IC 4-33-18-8, the Indiana Gaming Commission shall impose an annual fee of twenty-five thousand dollars (\$25,000) upon the following entities to support gaming research:

- (1) Each licensed owner or operating agent operating a riverboat in Indiana.
- (2) Each permit holder, as defined in IC 4-31-2-14, operating a live pari-mutual horse racing facility in Indiana.

FOR THE INDIANA DEPARTMENT OF GAMING RESEARCH

Personal Services	118,297	118,297
Other Operating Expense	127,993	127,993

Augmentation allowed from fees accruing under IC 4-33-18-8.

FOR THE INDIANA HORSE RACING COMMISSION

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Personal Services	2,192,335	2,192,335
Other Operating Expense	673,974	673,974

The foregoing appropriations to the Indiana horse racing commission are made from revenues accruing to the Indiana horse racing commission before any distribution is made under IC 4-31-9. Retroactive to July 1, 2005.

Augmentation allowed.

STANDARD BRED ADVISORY BOARD

Standardbred Horse Fund (IC 15-5-5.5-9.5)

Total Operating Expense	193,500	193,500
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The foregoing appropriations to the standardbred board of regulation are made from revenues accruing to the Indiana horse racing commission before any distribution is made under IC 4-31-9. Retroactive to July 1, 2005.

Augmentation allowed.

STANDARD BRED BREED**DEVELOPMENT FUND**

Standardbred Horse Fund (IC 15-5-5.5-9.5)

Total Operating Expense	3,963,811	3,963,811
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	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Augmentation allowed.				and other central information technology initiatives. Such procurements may include, but are not limited to, wiring and rewiring of state offices, Internet services, video conferencing, telecommunications, application software, and related services. The fund consists of the net proceeds received from contracts with companies providing phone services at state institutions and other state properties. The fund shall be administered by the budget agency. Money in the fund may be spent by the office in compliance with a plan approved by the budget agency. Any money remaining in the fund at the end of any fiscal year does not revert to the general fund or any other fund but remains in the pay phone fund.			
THOROUGHbred BREED DEVELOPMENT FUND				FOR THE COMMISSION ON PUBLIC RECORDS			
Standardbred Horse Fund (IC 15-5-5.5-9.5)				Personal Services	1,432,151	1,432,151	
Total Operating Expense	2,686,139	2,686,139		Other Operating Expense	132,099	132,099	
Augmentation allowed.				FOR THE OFFICE OF THE PUBLIC ACCESS COUNSELOR			
QUARTER HORSE BREED DEVELOPMENT FUND				Personal Services	144,841	144,841	
Standardbred Horse Fund (IC 15-5-5.5-9.5)				Other Operating Expense	6,004	6,004	
Total Operating Expense	233,155	233,155		G. OTHER			
Augmentation allowed.				FOR THE COMMISSION ON UNIFORM STATE LAWS			
FINGERPRINT FEES				Total Operating Expense	43,584	43,584	
Standardbred Horse Fund (IC 15-5-5.5-9.5)				FOR THE OFFICE OF INSPECTOR GENERAL			
Total Operating Expense	67,558	67,558		Personal Services	1,382,080	1,382,080	
Augmentation allowed.				Other Operating Expense	240,537	240,537	
FOR THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE				STATE ETHICS COMMISSION			
Personal Services	3,824,801	3,824,801		Personal Services	260,816	261,006	
Other Operating Expense	835,679	835,679		Other Operating Expense	2,596	2,596	
From the above appropriations for the department of local government finance, travel subsistence and mileage allowances may be paid for members of the local government tax control board created by IC 6-1.1-18.5-11 and the state school property tax control board created by IC 6-1.1-19-4.1, under state travel regulations.				FOR THE SECRETARY OF STATE ELECTION DIVISION			
FOR THE INDIANA BOARD OF TAX REVIEW				Personal Services	676,031	698,959	
Personal Services	1,280,166	1,280,166		Other Operating Expense	198,793	198,922	
Other Operating Expense	102,960	102,960		VOTER REGISTRATION AND PROCEDURES			
Augmentation allowed from fee increases enacted by P.L.245-2003 and reimbursements from any county under IC 6-1.1-4-34(f), regardless of when the fees or reimbursements were received.				Total Operating Expense	129,920	0	
F. ADMINISTRATION				VOTER LIST MAINTENANCE			
FOR THE DEPARTMENT OF ADMINISTRATION				Total Operating Expense	112,500	112,500	
Personal Services	12,799,660	12,799,660		H. COMMUNITY SERVICES			
Other Operating Expense	14,070,807	13,863,207		FOR THE GOVERNOR'S OFFICE OF FAITH BASED & COMMUNITY INITIATIVES			
FOR THE STATE PERSONNEL DEPARTMENT				Personal Services	244,064	244,064	
Personal Services	8,761,767	8,761,767		Other Operating Expense	71,488	71,488	
Other Operating Expense	623,200	623,200		SECTION 4. [EFFECTIVE JULY 1, 2007]			
The state must provide a variety of healthcare plan options and not restrict employees to health savings account plans.				PUBLIC SAFETY			
Personal Services	163,650	163,650		A. CORRECTION			
Other Operating Expense	16,089	16,089		FOR THE DEPARTMENT OF CORRECTION CENTRAL OFFICE			
FOR THE OFFICE OF TECHNOLOGY							
Pay Phone Fund							
Total Operating Expense	2,490,000	2,490,000					
Augmentation allowed.							
The pay phone fund is established for the procurement of hardware, software, and related equipment and services needed to expand and enhance the state campus backbone							

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Personal Services	8,365,099	8,371,234	
Other Operating Expense	2,392,191	2,392,191	
ESCAPEE COUNSEL AND TRIAL EXPENSE			
Other Operating Expense	198,000	198,000	
COUNTY JAIL MISDEMEANANT HOUSING			
Total Operating Expense	4,281,101	4,281,101	
ADULT CONTRACT BEDS			
Total Operating Expense	10,235,735	10,235,735	
STAFF DEVELOPMENT AND TRAINING			
Personal Services	1,404,251	1,405,258	
Other Operating Expense	448,388	448,388	
PAROLE DIVISION			
Personal Services	5,749,346	5,753,450	
Other Operating Expense	804,943	804,943	
PAROLE BOARD			
Personal Services	552,124	552,544	
Other Operating Expense	35,590	35,590	
INFORMATION MANAGEMENT SERVICES			
Personal Services	2,364,202	2,366,020	
Other Operating Expense	1,922,620	1,922,620	
JUVENILE TRANSITION			
Personal Services	1,181,277	1,182,115	
Other Operating Expense	4,051,694	4,051,694	
COMMUNITY CORRECTIONS PROGRAMS			
Total Operating Expense		55,763,764	

The above appropriation for community corrections programs is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12, or any other law.

DRUG PREVENTION AND OFFENDER TRANSITION

Total Operating Expense	988,293	988,487
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The above appropriation shall be used for minimum security release programs, transition programs, mentoring programs, and supervision of and assistance to adult and juvenile offenders to promote the successful integration of the offender into the community.

CENTRAL EMERGENCY RESPONSE

Personal Services	1,179,746	1,180,570
Other Operating Expense	455,738	455,738

MEDICAL SERVICES

Other Operating Expense	27,260,811	27,260,811
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The above appropriations for medical services shall be used only for services that are determined to be medically necessary.

DRUG ABUSE PREVENTION

Drug Abuse Fund (IC 11-8-2-11)

Personal Services	40,716	40,742
Other Operating Expense	113,000	113,000

Augmentation allowed.

COUNTY JAIL MAINTENANCE

CONTINGENCY FUND

Other Operating Expense	17,281,044	17,281,044
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Disbursements from the fund shall be made for the purpose of reimbursing sheriffs for the cost of incarcerating in county jails persons convicted of felonies to the extent that such persons are incarcerated for more than five (5) days after the day of sentencing, at the rate of \$35 per day. In addition to the per diem, the state shall reimburse the sheriffs for expenses determined by the sheriff to be incurred in providing medically necessary medical care to the convicted persons. However, if the sheriff or county receives money with respect to a convicted person (from a source other than the county), the per diem or medical expense reimbursement with respect to the convicted person shall be reduced by the amount received. A sheriff shall not be required to comply with IC 35-38-3-4(a) or transport convicted persons within five (5) days after the day of sentencing if the department of correction does not have the capacity to receive the convicted person.

Augmentation allowed.

MEDICAL SERVICE PAYMENTS

Total Operating Expense	25,000,000	25,000,000
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These appropriations for medical service payments are made to pay for services determined to be medically necessary for committed individuals, patients and students of institutions under the jurisdiction of the department of correction, the state department of health, the division of mental health, the school for the blind, the school for the deaf, or the division of disability, aging, and rehabilitative services if the services are provided outside these institutions. These appropriations may not be used for payments for medical services that are covered by IC 12-16 unless these services have been approved under IC 12-16. These appropriations shall not be used for payment for medical services which are payable from an appropriation in this act for the state department of health, the division of mental health, the school for the blind, the school for the deaf, the division of disability, aging, and rehabilitative services, or the department of correction, or that are reimbursable from funds for medical assistance under IC 12-15. If these appropriations are insufficient to make these medical service payments, there is hereby appropriated such further sums as may be necessary.

Direct disbursements from the above contingency fund are not subject to the provisions of IC 4-13-2.

FOR THE DEPARTMENT

OF ADMINISTRATION

DEPARTMENT OF CORRECTION

OMBUDSMAN BUREAU

Personal Services	135,966	136,067
Other Operating Expense	13,124	13,124

FOR THE DEPARTMENT

OF CORRECTION

INDIANA STATE PRISON

Personal Services	28,327,153	28,345,171
Other Operating Expense	5,819,137	5,819,137

VOCATIONAL TRAINING PROGRAM

Total Operating Expense	257,291	257,291
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PENDLETON CORRECTIONAL FACILITY

Personal Services	28,133,124	28,152,801
Other Operating Expense	6,931,289	6,931,289

	<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-09</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-08</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
CORRECTIONAL INDUSTRIAL FACILITY				CHAIN O' LAKES CORRECTIONAL FACILITY			
Personal Services	19,842,899	19,856,310		Personal Services	1,819,881	1,820,956	
Other Operating Expense	4,035,819	4,035,819		Other Operating Expense	380,606	380,606	
INDIANA WOMEN'S PRISON				MEDARYVILLE CORRECTIONAL FACILITY			
Personal Services	11,666,382	11,673,614		Personal Services	1,899,480	1,900,654	
Other Operating Expense	1,928,211	1,928,211		Other Operating Expense	330,727	330,727	
PUTNAMVILLE CORRECTIONAL FACILITY				ATTERBURY CORRECTIONAL FACILITY			
Personal Services	28,542,062	28,561,207		Personal Services	2,048,622	2,049,962	
Other Operating Expense	5,595,717	5,595,717		Other Operating Expense	350,351	350,351	
WABASH VALLEY CORRECTIONAL FACILITY				MADISON CORRECTIONAL FACILITY			
Personal Services	38,442,605	38,467,484		Personal Services	3,114,891	3,116,892	
Other Operating Expense	7,469,855	7,469,855		Other Operating Expense	468,019	468,019	
PLAINFIELD JUVENILE CORRECTIONAL FACILITY				EDINBURGH CORRECTIONAL FACILITY			
Personal Services	13,401,073	13,410,386		Personal Services	2,849,220	2,851,122	
Other Operating Expense	2,386,012	2,386,012		Other Operating Expense	363,155	363,155	
INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY				LAKESIDE CORRECTIONAL FACILITY			
Personal Services	14,618,497	14,626,547		Personal Services	4,904,199	4,907,478	
Other Operating Expense	1,711,469	1,711,469		Other Operating Expense	732,602	732,602	
BRANCHVILLE CORRECTIONAL FACILITY				FORT WAYNE JUVENILE CORRECTIONAL FACILITY			
Personal Services	17,856,336	17,868,319		Personal Services	1,425,664	1,426,588	
Other Operating Expense	2,945,374	2,945,374		Other Operating Expense	436,233	436,233	
WESTVILLE CORRECTIONAL FACILITY				SOUTH BEND JUVENILE CORRECTIONAL FACILITY			
Personal Services	42,249,577	42,278,476		Personal Services	4,343,067	4,345,596	
Other Operating Expense	7,690,288	7,690,288		Other Operating Expense	2,886,037	2,886,037	
WESTVILLE MAXIMUM CONTROL FACILITY				LOGANSPOUT INTAKE/ DIAGNOSTIC FACILITY			
Personal Services	5,428,434	5,432,101		Personal Services	2,868,870	2,870,666	
Other Operating Expense	582,757	582,757		Other Operating Expense	536,690	536,690	
ROCKVILLE CORRECTIONAL FACILITY FOR WOMEN				NORTH CENTRAL JUVENILE CORRECTIONAL FACILITY			
Personal Services	15,746,198	15,757,032		Personal Services	8,296,951	8,301,236	
Other Operating Expense	2,712,522	2,712,522		Other Operating Expense	1,294,293	1,294,293	
PLAINFIELD CORRECTIONAL FACILITY				CAMP SUMMIT			
Personal Services	25,173,242	25,190,068		Personal Services	2,545,249	2,546,766	
Other Operating Expense	5,464,545	5,464,545		Other Operating Expense	362,040	362,040	
RECEPTION AND DIAGNOSTIC CENTER				PENDLETON JUVENILE CORRECTIONAL FACILITY			
Personal Services	11,780,995	11,789,124		Personal Services	14,161,982	14,170,029	
Other Operating Expense	1,217,704	1,217,704		Other Operating Expense	2,530,172	2,530,172	
MIAMI CORRECTIONAL FACILITY							
Personal Services	28,785,622	28,804,798		B. LAW ENFORCEMENT			
Other Operating Expense	4,617,107	4,617,107		FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION			
NEW CASTLE CORRECTIONAL FACILITY				From the General Fund	42,674,498	42,674,498	
Personal Services	12,203,968	12,212,345		From the Motor Vehicle Highway Account (IC 8-14-1)	74,311,334	74,311,334	
Other Operating Expense	2,779,105	2,779,105		From the Motor Carrier Regulation Fund (IC 8-2.1-23)	4,096,176	4,096,176	
SOCIAL SERVICES BLOCK GRANT General Fund				Augmentation allowed from the general fund, the motor vehicle highway account, and the motor carrier regulation fund.			
Total Operating Expense	9,948,380	9,955,962					
Work Release - Study Release Special Revenue Fund (IC 11-10-8-6.5)							
Total Operating Expense	466,014	466,014					
Augmentation allowed from Work Release - Study Release Special Revenue Fund and Social Services Block Grant.							
HENRYVILLE CORRECTIONAL FACILITY							
Personal Services	2,018,547	2,019,927		The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the Motor Carrier			
Other Operating Expense	379,381	379,381					

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

Regulation Fund are for the following purposes:

Personal Services	104,038,488	104,038,488
Other Operating Expense	17,043,520	17,043,520

The above appropriations for personal services and other operating expense include funds to continue the state police minority recruiting program.

The foregoing appropriations for the Indiana state police and motor carrier inspection include funds for the police security detail to be provided to the Indiana state fair board. However, amounts actually expended to provide security for the Indiana state fair board as determined by the budget agency shall be reimbursed by the Indiana state fair board to the state general fund.

ODOMETER FRAUD INVESTIGATION

From the Motor Vehicle Odometer Fund (IC 9-29-1-5)

Total Operating Expense	25,000	25,000
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Augmentation allowed.

STATE POLICE TRAINING

From the State Police Training Fund (IC 5-2-8-5)

Total Operating Expense	300,100	300,100
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Augmentation allowed.

FORENSIC AND HEALTH SCIENCES LABORATORIES

From the General Fund

3,888,671	3,888,671
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From the Motor Carrier Regulation Fund (IC 8-2.1-23)

386,658	386,658
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From the Motor Vehicle Highway Account (IC 8-14-1)

6,772,031	6,772,031
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Augmentation allowed from the general fund, the motor vehicle highway account, and the motor carrier regulation fund.

The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund are for the following purposes:

Personal Services	9,616,473	9,616,473
Other Operating Expense	1,430,887	1,430,887

ENFORCEMENT AID

From the General Fund

Total Operating Expense	40,000	40,000
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From the Motor Vehicle Highway Account (IC 8-14-1)

Total Operating Expense	40,000	40,000
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The above appropriations for enforcement aid are to meet unforeseen emergencies of a confidential nature. They are to be expended under the direction of the superintendent and to be accounted for solely on the superintendent's authority.

PENSION FUND

From the General Fund

Total Operating Expense	4,736,246	4,736,246
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From the Motor Vehicle Highway Account (IC 8-14-1)

Total Operating Expense	4,736,247	4,736,247
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The above appropriations shall be paid into the state police pension fund provided for in IC 10-12-2 in twelve (12) equal installments on or before July 30 and on or before the 30th of each succeeding month thereafter.

BENEFIT FUND

From the General Fund

Total Operating Expense	1,713,151	1,713,151
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Augmentation allowed.

From the Motor Vehicle Highway Account (IC 8-14-1)

Total Operating Expense	1,713,151	1,713,151
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Augmentation allowed.

All benefits to members shall be paid by warrant drawn on the treasurer of state by the auditor of state on the basis of claims filed and approved by the trustees of the state police pension and benefit funds created by IC 10-12-2.

SUPPLEMENTAL PENSION

General Fund

Total Operating Expense	1,900,753	1,900,753
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Augmentation allowed.

Motor Vehicle Highway Account (IC 8-14-1)

Total Operating Expense	1,900,753	1,900,753
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Augmentation allowed.

If the above appropriations for supplemental pension for any one (1) year are greater than the amount actually required under the provisions of IC 10-12-5, then the excess shall be returned proportionately to the funds from which the appropriations were made. If the amount actually required under IC 10-12-5 is greater than the above appropriations, then, with the approval of the governor and the budget agency, those sums may be augmented from the general fund and the motor vehicle highway account.

ACCIDENT REPORTING

Accident Report Account (IC 9-29-11-1)

Total Operating Expense	84,760	84,760
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Augmentation allowed.

DRUG INTERDICTION

Drug Interdiction Fund (IC 10-11-7)

Total Operating Expense	273,420	273,420
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Augmentation allowed.

FOR THE INTEGRATED PUBLIC SAFETY COMMISSION**PROJECT SAFE-T**

Integrated Public Safety Communications Fund (IC 5-26-4-1)

Total Operating Expense	13,205,269	13,205,269
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Augmentation allowed.

FOR THE ADJUTANT GENERAL

Personal Services	8,253,098	8,253,098
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Other Operating Expense	2,868,184	2,868,184
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DISABLED SOLDIERS' PENSION

	<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-09</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-08</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Other Operating Expense	1		1	be deposited into the motor vehicle highway account.			
Augmentation allowed.							
MUTC - MUSCATATUCK URBAN				PROJECT IMPACT			
TRAINING CENTER				Total Operating Expense	196,000		196,000
Total Operating Expense	2,600,000	2,600,000		VICTIMS OF VIOLENT CRIME			
GOVERNOR'S CIVIL AND				ADMINISTRATION			
MILITARY CONTINGENCY FUND				Violent Crime Victims Compensation			
Total Operating Expense		320,000		Fund (IC 5-2-6.1-40)			
The above appropriations for the adjutant general				Personal Services	142,988		195,890
governor's civil and military contingency fund are made				Other Operating Expense	2,318,098		2,331,298
under IC 10-16-11-1.				Augmentation allowed.			
FOR THE CRIMINAL				FOR THE CORONERS'			
JUSTICE INSTITUTE				TRAINING BOARD			
ADMINISTRATIVE MATCH				Coroners Training and Continuing			
Total Operating Expense	440,467	440,467		Education Fund (IC 4-23-6.5-8)			
DRUG ENFORCEMENT MATCH				Personal Services	10,000		10,000
Total Operating Expense	2,846,955	2,846,955		Other Operating Expense	390,000		390,000
VICTIM AND WITNESS				Augmentation allowed.			
ASSISTANCE FUND				FOR THE LAW ENFORCEMENT			
Victim and Witness Assistance				TRAINING ACADEMY			
Fund (IC 5-2-6-14)				From the General Fund			
Total Operating Expense	630,902	630,902			2,190,935		2,190,935
Augmentation allowed.				From the Law Enforcement Academy			
ALCOHOL AND DRUG				Training Fund (IC 5-2-1-13(b))			
COUNTERMEASURES					2,220,046		2,220,046
Alcohol and Drug Countermeasures				Augmentation allowed from Law Enforcement Academy			
Fund (IC 9-27-2-11)				Training Fund.			
Total Operating Expense	386,000	386,000		The amounts specified from the General Fund and the Law			
Augmentation allowed.				Enforcement Training Fund are for the following purposes:			
STATE DRUG FREE				Personal Services	3,547,811		3,547,811
COMMUNITIES FUND				Other Operating Expense	863,170		863,170
State Drug Free Communities				C. REGULATORY AND LICENSING			
Fund (IC 5-2-10-2)				FOR THE BUREAU			
Total Operating Expense	527,477	527,477		OF MOTOR VEHICLES			
Augmentation allowed.				Motor Vehicle Highway			
INDIANA SAFE SCHOOLS				Account (IC 8-14-1)			
General Fund				Personal Services	20,312,250		20,312,250
Total Operating Expense	1,660,300	1,660,300		Other Operating Expense	15,357,889		15,357,889
Indiana Safe Schools Fund (IC 5-2-10.1-2)				Augmentation allowed.			
Total Operating Expense	400,052	400,052		LICENSE PLATES			
Augmentation allowed from Indiana Safe Schools Fund.				Motor Vehicle Highway			
Of the above appropriations for the Indiana safe schools				Account (IC 8-14-1)			
program, \$1,317,000 is appropriated annually to provide				Total Operating Expense	15,928,890		5,600,000
grants to school corporations for school safe haven				Augmentation allowed.			
programs, emergency preparedness programs, and school				DEALER INVESTIGATOR EXPENSES			
safety programs, and \$750,000 is appropriated annually for				Motor Vehicle Odometer			
use in providing training to school safety specialists.				Fund (IC 9-29-1-5)			
OFFICE OF TRAFFIC SAFETY				Total Operating Expense	207,766		207,766
Motor Vehicle Highway				Augmentation allowed.			
Account (IC 8-14-1)				FINANCIAL RESPONSIBILITY			
Personal Services	571,560	571,560		COMPLIANCE VERIFICATION			
Other Operating Expense	11,069,560	11,069,560		Financial Responsibility Compliance			
Augmentation allowed.				Verification Fund (IC 9-25-9-7)			
The above appropriation for the office of traffic safety is				Total Operating Expense	6,858,480		6,858,480
from the motor vehicle highway account and may be used to				Augmentation allowed.			
fund traffic safety projects that are included in a current				ABANDONED VEHICLES			
highway safety plan approved by the governor and the				Abandoned Vehicle Fund (IC 9-22-1-28)			
budget agency. The department shall apply to the national				Total Operating Expense	463,207		463,207
highway traffic safety administration for reimbursement of				Augmentation allowed.			
all eligible project costs. Any federal reimbursement				STATE MOTOR VEHICLE			
received by the department for the highway safety plan shall							

	<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-09</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-08</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
TECHNOLOGY				FOR THE DEPARTMENT OF INSURANCE			
State Motor Vehicle Technology Fund (IC 9-29-16-1)				From the General Fund			
Total Operating Expense	5,424,425	5,424,425			4,897,996	4,897,996	
Augmentation allowed.				From the Department of Insurance Fund (IC 27-1-3-28)			
FOR THE DEPARTMENT OF LABOR					1,916,149	1,916,149	
Personal Services	918,171	918,171		Augmentation allowed from the Department of Insurance Fund.			
Other Operating Expense	124,192	124,192					
INDUSTRIAL HYGIENE				The amounts specified from the General Fund and the Department of Insurance Fund are for the following purposes:			
Personal Services	1,256,421	1,256,421		Personal Services	5,544,812	5,544,812	
Other Operating Expense	152,287	152,287		Other Operating Expense	1,269,333	1,269,333	
BUREAU OF MINES AND MINE SAFETY				BAIL BOND DIVISION			
Personal Services	184,738	184,738		Bail Bond Enforcement and Administration Fund (IC 27-10-5-1)			
Other Operating Expense	45,998	45,998		Personal Services	177,215	177,215	
M.I.S. RESEARCH AND STATISTICS				Other Operating Expense	11,280	11,280	
Personal Services	239,744	239,744		Augmentation allowed.			
Other Operating Expense	26,014	26,014		PATIENTS' COMPENSATION AUTHORITY			
				Patient's Compensation Fund (IC 34-18-6-1)			
The above funds are appropriated to occupational safety and health, industrial hygiene, and management information services research and statistics to provide the total program cost of the Indiana occupational safety and health plan as approved by the United States Department of Labor. Inasmuch as the state is eligible to receive from the federal government partial reimbursement of the state's total Indiana occupational safety and health plan program cost, it is the intention of the general assembly that the department of labor make application to the federal government for the federal share of the total program cost. Federal funds received shall be considered a reimbursement of state expenditures and as such shall be deposited into the state general fund.				Personal Services	722,263	722,263	
				Other Operating Expense	1,322,435	1,322,435	
				Augmentation allowed.			
				POLITICAL SUBDIVISION RISK MANAGEMENT			
				Political Subdivision Risk Management Fund (IC 27-1-29-10)			
				Personal Services	109,874	109,874	
				Other Operating Expense	802,850	802,850	
				Augmentation allowed.			
				MINE SUBSIDENCE INSURANCE			
				Mine Subsidence Insurance Fund (IC 27-7-9-7)			
				Personal Services	119,154	119,154	
				Other Operating Expense	802,060	802,060	
				Augmentation allowed.			
				FOR THE ALCOHOL AND TOBACCO COMMISSION			
OCCUPATIONAL SAFETY AND HEALTH				Enforcement and Administration Fund (IC 7.1-4-10-1)			
Personal Services	2,278,287	2,278,287		Personal Services	8,108,248	8,108,248	
Other Operating Expense	326,318	326,318		Other Operating Expense	2,424,940	2,424,940	
EMPLOYMENT OF YOUTH				Augmentation allowed.			
Employment of Youth Fund (IC 20-33-3-42)				ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS' TRAINING			
Total Operating Expense	75,473	75,473		Alcoholic Beverage Commission Enforcement Officers' Training Fund (IC 5-2-8-8)			
Augmentation allowed.				Total Operating Expense	3,500	3,500	
BUREAU OF SAFETY EDUCATION AND TRAINING				Augmentation allowed from the Alcoholic Beverage Enforcement Officers' Training Fund.			
Special Fund for Safety and Health Consultation Service (IC 22-8-1.1-48)							
Personal Services	856,406	856,406		FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS			
Other Operating Expense	227,884	227,884		Financial Institutions Fund (IC 28-11-2-9)			
Augmentation allowed.							
Federal cost reimbursements for expenses attributable to the Bureau of Safety Education and Training appropriations shall be deposited into the special fund for safety and health consultation services.							

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Personal Services	6,787,643	6,787,643		The amounts specified from the general fund and the workers' compensation supplemental administrative fund are for the following purposes:			
Other Operating Expense	1,764,048	1,703,411					
Augmentation allowed.							
FOR THE PROFESSIONAL LICENSING AGENCY				Personal Services	1,983,762	1,983,762	
Personal Services	4,769,078	4,769,078		Other Operating Expense	193,083	193,083	
Other Operating Expense	1,130,056	1,130,056		FOR THE STATE BOARD OF ANIMAL HEALTH			
PRENEED CONSUMER PROTECTION				Personal Services	4,395,935	4,395,935	
Preneed Consumer Protection Fund (IC 30-2-13-28)				Other Operating Expense	1,023,027	925,027	
Total Operating Expense	15,000	15,000		INDEMNITY FUND			
Augmentation allowed.				Total Operating Expense		45,788	
EMBALMERS' AND FUNERAL DIRECTORS' EDUCATION				Augmentation allowed.			
Funeral Service Education Fund (IC 25-15-9-13)				MEAT & POULTRY INSPECTION			
Total Operating Expense	5,000	5,000		Total Operating Expense	1,861,010	1,861,010	
Augmentation allowed.				FOR THE DEPARTMENT OF HOMELAND SECURITY			
FOR THE CIVIL RIGHTS COMMISSION				From the General Fund			
Personal Services	1,969,921	1,969,921			1,646,556	1,646,556	
Other Operating Expense	406,447	406,447		From the Fire and Building Services Fund (IC 22-12-6-1)			
It is the intention of the general assembly that the civil rights commission shall apply to the federal government for funding based upon the processing of employment and housing discrimination complaints by the civil rights commission. Such federal funds received by the state shall be considered as a reimbursement of state expenditures and shall be deposited into the state general fund.					14,996,403	14,996,403	
MARTIN LUTHER KING JR. HOLIDAY COMMISSION				Augmentation allowed from the fire and building services fund.			
Total Operating Expense	20,000	20,000		The amounts specified from the general fund and the fire and building services fund are for the following purposes:			
FOR THE UTILITY CONSUMER COUNSELOR				Personal Services	12,649,394	12,649,394	
Public Utility Fund (IC 8-1-6-1)				Other Operating Expense	3,993,565	3,993,565	
Personal Services	4,524,732	4,524,732		REGIONAL PUBLIC SAFETY TRAINING			
Other Operating Expense	1,081,422	1,081,422		Total Operating Expense	1,000,000	1,000,000	
Augmentation allowed.				Augmentation allowed, not to exceed revenues collected from the public safety fee imposed by IC 22-11-14-12.			
EXPERT WITNESS FEES AND AUDIT				Any unexpended balances in the FY 2006-2007 appropriation for regional public safety training remain appropriated and are available for expenditure.			
Public Utility Fund (IC 8-1-6-1)				EMERGENCY MANAGEMENT CONTINGENCY FUND			
Total Operating Expense		1,550,000		Total Operating Expense	242,500	242,500	
Augmentation allowed.				The above appropriations for the emergency management contingency fund are made under IC 10-14-3-28. The above appropriations shall be in addition to any unexpended balances in the fund as of June 30, 2007.			
FOR THE UTILITY REGULATORY COMMISSION				DIRECTION CONTROL AND WARNING			
Public Utility Fund (IC 8-1-6-1)				Total Operating Expense	30,182	30,182	
Personal Services	6,454,330	6,454,330		INDIVIDUAL AND FAMILY ASSISTANCE			
Other Operating Expense	2,192,411	2,192,411		Total Operating Expense	1	1	
Augmentation allowed.				Augmentation allowed.			
FOR THE WORKERS' COMPENSATION BOARD				PUBLIC ASSISTANCE			
From the General Fund				Total Operating Expense	1	1	
	2,062,635	2,062,635		Augmentation allowed.			
Workers' Compensation Supplemental Administration Fund (IC 22-3-5-6)				INDIANA HOMELAND SECURITY FUND			
	114,210	114,210		From the Indiana Homeland Security Fund (IC 10-15-3-1)			
Augmentation allowed.							

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Total Operating Expense	520,000	520,000		Other Operating Expense	42,800	42,800	
Augmentation allowed.				NATURE PRESERVES DIVISION			
INDIANA EMERGENCY				Personal Services	906,847	906,847	
RESPONSE COMMISSION				Other Operating Expense	76,303	76,303	
From the Emergency Planning and				WATER DIVISION			
Right to Know Fund (IC 6-6-10-5 & 7)				Personal Services	4,369,300	4,369,300	
Total Operating Expense	45,408	45,408		Other Operating Expense	479,605	479,605	
Augmentation allowed.							
STATE DISASTER RELIEF FUND				All revenues accruing from state and local units of			
From the State Disaster Relief				government and from private utilities and industrial			
Fund (IC 10-14-4-5)				concerns as a result of water resources study projects, and			
Total Operating Expense	1,000,000	1,000,000		as a result of topographic and other mapping projects, shall			
Augmentation allowed, not to exceed revenues collected				be deposited into the state general fund, and such receipts			
from the public safety fee imposed by IC 22-11-14-12.				are hereby appropriated, in addition to the foregoing			
INDIANA INTELLIGENCE				amounts, for water resources studies.			
FUSION CENTER							
From the Fire and Building				GREAT LAKES COMMISSION			
Services Fund (IC 22-12-6-1)				Other Operating Expense	61,000	61,000	
Total Operating Expense	399,585	2,110,730		DEER RESEARCH			
Augmentation allowed.				AND MANAGEMENT			
				Deer Research and Management			
SECTION 5. [EFFECTIVE JULY 1, 2007]				Fund (IC 14-22-5-2)			
CONSERVATION				Total Operating Expense	268,788	268,788	
AND ENVIRONMENT				Augmentation allowed.			
				OIL AND GAS DIVISION			
A. NATURAL RESOURCES				From the General Fund			
					876,949	876,949	
FOR THE DEPARTMENT OF				From the Oil and Gas			
NATURAL RESOURCES -				Fund (IC 6-8-1-27)			
ADMINISTRATION					528,269	528,269	
Personal Services	7,778,972	7,778,972		Augmentation allowed from Oil and Gas Fund.			
Other Operating Expense	1,185,019	1,185,019					
ENTOMOLOGY AND PLANT				The amounts specified from the General Fund and the Oil			
PATHOLOGY DIVISION				and Gas Fund are for the following purposes:			
Personal Services	653,552	653,552		Personal Services	1,145,545	1,145,545	
Other Operating Expense	161,137	161,137		Other Operating Expense	259,673	259,673	
ENTOMOLOGY AND PLANT							
PATHOLOGY FUND (IC 14-24-10-3)				STATE PARKS AND RESERVOIRS			
Total Operating Expense		693,756		From the General Fund			
Augmentation allowed.					12,463,162	12,463,162	
ENGINEERING DIVISION				From the State Parks and Reservoirs			
Personal Services	1,644,141	1,644,141		Special Revenue Fund (IC 14-19-8-2)			
Other Operating Expense	123,151	123,151			20,340,440	20,340,440	
STATE MUSEUM				Augmentation allowed from State Parks and Reservoirs			
Personal Services	5,593,509	5,593,509		Special Revenue Fund.			
Other Operating Expense	1,931,841	1,931,841					
HISTORIC PRESERVATION				The amounts specified from the General Fund and the State			
DIVISION				Parks and Reservoirs Special Revenue Fund are for the			
Personal Services	879,579	879,579		following purposes:			
Other Operating Expense	72,484	72,484		Personal Services	24,161,700	24,161,700	
HISTORIC PRESERVATION -				Other Operating Expense	8,641,902	8,641,902	
FEDERAL							
Total Operating Expense	70,000	70,000		OFF-ROAD VEHICLE AND			
STATE HISTORIC SITES				SNOWMOBILE FUND			
Personal Services	2,483,942	2,483,942		Off-Road Vehicle and Snowmobile			
Other Operating Expense	627,287	627,287		Fund (IC 14-16-1-30)			
				Total Operating Expense	300,000	300,000	
From the above appropriations, \$75,000 in each state fiscal				Augmentation allowed.			
year shall be used for the Grissom Museum.				LAW ENFORCEMENT DIVISION			
WABASH RIVER				From the General Fund			
HERITAGE CORRIDOR					9,802,550	9,802,550	
Total Operating Expense	91,000	91,000		From the Fish and Wildlife			
OUTDOOR RECREATION DIVISION				Fund (IC 14-22-3-2)			
Personal Services	625,218	625,218			11,757,240	11,757,240	

	<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-09</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-08</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Augmentation allowed from the Fish and Wildlife Fund.				Cigarette Tax Fund (IC 6-7-1-29.1)			
The amounts specified from the General Fund and the Fish and Wildlife Fund are for the following purposes:				Total Operating Expense	134,547	134,547	
Personal Services	17,737,843	17,737,843		Augmentation allowed.			
Other Operating Expense	3,821,947	3,821,947		LAKE AND RIVER ENHANCEMENT			
FISH AND WILDLIFE DIVISION				Lake and River Enhancement			
Fish and Wildlife Fund				Fund (IC 6-6-11-12.5)			
(IC 14-22-3-2)				Total Operating Expense			4,685,856
Personal Services	12,516,802	12,516,802		Augmentation allowed.			
Other Operating Expense	5,306,937	5,306,937		CONSERVATION OFFICERS'			
Augmentation allowed.				MARINE ENFORCEMENT FUND			
FORESTRY DIVISION				Lake and River Enhancement			
From the General Fund				Fund (IC 6-6-11-12.5)			
	1,087,227	1,087,227		Total Operating Expense	820,000	820,000	
From the State Forestry				Augmentation allowed.			
Fund (IC 14-23-3-2)	11,327,465	11,327,465		B. OTHER NATURAL RESOURCES			
Augmentation allowed from the State Forestry Fund.				FOR THE WORLD WAR			
The amounts specified from the General Fund and the State Forestry Fund are for the following purposes:				MEMORIAL COMMISSION			
Personal Services	7,912,404	7,912,404		Personal Services	1,001,309	1,001,309	
Other Operating Expense	4,502,288	4,502,288		Other Operating Expense	534,125	534,125	
All money expended by the division of forestry of the department of natural resources for the detention and suppression of forest, grassland, and wasteland fires shall be through the enforcement division of the department, and the employment with such money of all personnel, with the exception of emergency labor, shall be in accordance with IC 14-9-8.				All revenues received as rent for space in the buildings located at 777 North Meridian Street and 700 North Pennsylvania Street, in the city of Indianapolis, that exceed the costs of operation and maintenance of the space rented, shall be paid into the general fund. The American Legion shall provide for the complete maintenance of the interior of these buildings.			
RECLAMATION DIVISION				FOR THE WHITE RIVER			
From the General Fund				PARK COMMISSION			
	1,478	1,478		Total Operating Expense	1,218,267	1,218,267	
From the Natural Resources Reclamation				FOR THE MAUMEE RIVER			
Division Fund (IC 14-34-14-2)	4,931,999	4,931,999		BASIN COMMISSION			
Augmentation allowed from the Natural Resources				Total Operating Expense	75,000	75,000	
Reclamation Division Fund.				FOR THE ST. JOSEPH RIVER			
The amounts specified from the General Fund and the Natural Resources Reclamation Division Fund are for the following purposes:				BASIN COMMISSION			
Personal Services	4,253,559	4,253,559		Total Operating Expense	65,127	65,127	
Other Operating Expense	679,918	679,918		C. ENVIRONMENTAL			
In addition to any of the foregoing appropriations for the department of natural resources, any federal funds received by the state of Indiana for support of approved outdoor recreation projects for planning, acquisition, and development under the provisions of the federal Land and Water Conservation Fund Act, P.L.88-578, are appropriated for the uses and purposes for which the funds were paid to the state, and shall be distributed by the department of natural resources to state agencies and other governmental units in accordance with the provisions under which the funds were received.				MANAGEMENT			
LAKE MICHIGAN				FOR THE DEPARTMENT OF			
COASTAL PROGRAM				ENVIRONMENTAL MANAGEMENT			
				ADMINISTRATION			
				From the General Fund	4,320,865	4,320,865	
				From the State Solid Waste			
				Management Fund (IC 13-20-22-2)	111,482	122,493	
				From the Waste Tire Management			
				Fund (IC 13-20-13-8)	44,784	46,088	
				From the Title V Operating Permit			
				Program Trust Fund (IC 13-17-8-1)	720,075	615,736	
				From the Environmental Management			
				Permit Operation Fund (IC 13-15-11-1)	812,454	825,445	
				From the Environmental Management			
				Special Fund (IC 13-14-12-1)	83,604	93,766	
				From the Hazardous Substances			

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Response Trust Fund (IC 13-25-4-1)					18,810	20,232	
From the Asbestos Trust Fund (IC 13-17-6-3)	199,570	206,379		From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	434,188	393,452	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	28,829	32,854		From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	280,387	297,510	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	36,678	37,746		From the Environmental Management Special Fund (IC 13-14-12-1)	29,198	34,682	
From the Lead Trust Fund (IC 13-17-14-6)	1,949,685	2,006,468		From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	81,723	88,280	
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund.	1,330	1,516		From the Asbestos Trust Fund (IC 13-17-6-3)	17,383	20,993	
				From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	15,405	16,570	
				From the Lead Trust Fund (IC 13-17-14-6)	802	969	
				Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.			
The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund are for the following purposes:				The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund are for the following purposes:			
Personal Services	5,829,424	5,829,424		Personal Services	1,275,506	1,275,506	
Other Operating Expense	2,479,932	2,479,932		Other Operating Expense	226,260	227,025	
LABORATORY CONTRACTS				NORTHERN REGIONAL OFFICE			
General Fund				From the General Fund	431,985	462,585	
Environmental Management Special Fund (IC 13-14-12-1)	244,886	113,746		From the State Solid Waste Management Fund (IC 13-20-22-2)	45,014	55,768	
Hazardous Substances Response Trust Fund (IC 13-25-4-1)	671,809	802,949		From the Waste Tire Management Fund (IC 13-20-13-8)	12,246	14,019	
Augmentation allowed from the Environmental Management Special Fund and the Hazardous Substances Response Trust Fund.	1,565,126	1,565,126		From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	376,914	363,498	
The amounts specified from the General Fund, Environmental Management Special Fund, and the Hazardous Substance Response Trust Fund are for the following purpose:				From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	288,572	326,712	
Total Operating Expense	2,481,821	2,481,821		From the Environmental Management Special Fund (IC 13-14-12-1)	29,549	36,621	
NORTHWEST REGIONAL OFFICE				From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	57,061	65,943	
From the General Fund	589,301	589,601		From the Asbestos Trust Fund (IC 13-17-6-3)			
From the State Solid Waste Management Fund (IC 13-20-22-2)	34,569	40,242					
From the Waste Tire Management Fund (IC 13-20-13-8)							

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	15,090	19,395		The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund are for the following purposes:			
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	10,030	11,481					
From the Lead Trust Fund (IC 13-17-14-6)	696	895					
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.				Personal Services	911,741	911,741	
				Other Operating Expense	183,992	183,992	
				LEGAL AFFAIRS			
				From the General Fund	532,441	532,441	
The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund are for the following purposes:				From the State Solid Waste Management Fund (IC 13-20-22-2)	27,157	31,023	
				From the Waste Tire Management Fund (IC 13-20-13-8)	8,708	9,158	
				From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	111,467	99,121	
Personal Services	1,082,790	1,082,790		From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	167,294	174,261	
Other Operating Expense	184,367	274,127		From the Environmental Management Special Fund (IC 13-14-12-1)	17,879	20,559	
SOUTHWEST REGIONAL OFFICE				From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	39,744	42,151	
From the General Fund	424,876	424,876		From the Asbestos Trust Fund (IC 13-17-6-3)	4,463	5,289	
From the State Solid Waste Management Fund (IC 13-20-22-2)	121,800	126,933		From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	7,132	7,500	
From the Waste Tire Management Fund (IC 13-20-13-8)	16,630	17,443		From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	379,114	398,678	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	191,931	169,603		From the Lead Trust Fund (IC 13-17-14-6)	206	244	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	190,303	196,487		Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.			
From the Environmental Management Special Fund (IC 13-14-12-1)	40,662	44,735					
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	87,872	91,902					
From the Asbestos Trust Fund (IC 13-17-6-3)	7,684	9,050					
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	13,620	14,286					
From the Lead Trust Fund (IC 13-17-14-6)	355	418					
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.							

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purposes:				From the Environmental Management Special Fund (IC 13-14-12-1)			
Personal Services	806,542	806,542			13,478	16,015	
Other Operating Expense	489,063	513,883		From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
ENFORCEMENT					63,620	66,158	
From the General Fund				From the Asbestos Trust Fund (IC 13-17-6-3)			
From the State Solid Waste Management Fund (IC 13-20-22-2)	1,093,915	1,093,915			1,575	1,639	
From the Waste Tire Management Fund (IC 13-20-13-8)	3,592	4,118		From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	77,266	80,138			12,713	13,251	
From the Environmental Management Special Fund (IC 13-14-12-1)	308,247	275,056		From the Lead Trust Fund (IC 13-17-14-6)			
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	78,809	92,721			73	76	
From the Asbestos Trust Fund (IC 13-17-6-3)	312,003	323,089		Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.			
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	12,341	14,676		The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund are for the following purposes:			
From the Lead Trust Fund (IC 13-17-14-6)	63,281	65,633		Personal Services	373,135	373,135	
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund.	569	677		Other Operating Expense	94,459	94,459	
The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Lead Trust Fund are for the following purposes:				MEDIA AND COMMUNICATIONS			
Personal Services	1,837,953	1,837,953		From the General Fund			
Other Operating Expense	112,070	112,070			446,898	446,898	
INVESTIGATIONS				From the State Solid Waste Management Fund (IC 13-20-22-2)			
From the General Fund					10,068	10,137	
From the State Solid Waste Management Fund (IC 13-20-22-2)	191,714	191,714		From the Waste Tire Management Fund (IC 13-20-13-8)			
From the Waste Tire Management Fund (IC 13-20-13-8)	6,215	6,258			5,710	5,941	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	15,522	16,179		From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	39,350	30,724			63,743	49,770	
From the Environmental Management Special Fund (IC 13-14-12-1)	123,334	125,580		From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
					78,335	79,708	
				From the Environmental Management Special Fund (IC 13-14-12-1)			
					8,391	9,403	
				From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
					24,734	25,637	
				From the Asbestos Trust Fund (IC 13-17-6-3)			
					2,552	2,656	
				From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
					4,676	4,866	
				From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			

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From the Lead Trust Fund (IC 13-17-14-6)	248,571	258,657		Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund.			
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund.	118	123		The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund are for the following purposes:			
The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, Underground Petroleum Storage Tank Excess Liability Trust Fund, and Lead Trust Fund are for the following purposes:				Personal Services	1,020,294	1,020,294	
Personal Services	833,910	833,910		Other Operating Expense	108,948	108,948	
Other Operating Expense	59,886	59,886		OHIO RIVER VALLEY WATER SANITATION COMMISSION			
COMMUNITY RELATIONS				Environmental Management Special Fund (IC 13-14-12-1)			
From the General Fund	462,989	462,989		Total Operating Expense	252,500	252,500	
From the State Solid Waste Management Fund (IC 13-20-22-2)	15,009	15,112		Augmentation allowed.			
From the Waste Tire Management Fund (IC 13-20-13-8)	8,512	8,858		OFFICE OF ENVIRONMENTAL RESPONSE			
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	95,031	74,199		Personal Services	2,177,219	2,177,219	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	116,785	118,832		Other Operating Expense	321,248	353,248	
From the Environmental Management Special Fund (IC 13-14-12-1)	12,509	14,018		POLLUTION PREVENTION AND TECHNICAL ASSISTANCE			
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	36,875	38,220		Personal Services	1,300,207	1,300,207	
From the Asbestos Trust Fund (IC 13-17-6-3)	3,805	3,959		Other Operating Expense	808,621	808,621	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	6,972	7,254		PCB INSPECTIONS			
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	370,579	385,618		Environmental Management Permit Operation Fund (IC 13-15-11-1)			
From the Lead Trust Fund (IC 13-17-14-6)	176	183		Total Operating Expense	30,561	30,561	
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental				Augmentation allowed.			
				U.S. GEOLOGICAL SURVEY CONTRACTS			
				Environmental Management Special Fund (IC 13-14-12-1)			
				Total Operating Expense	62,890	62,890	
				Augmentation allowed.			
				STATE SOLID WASTE GRANTS MANAGEMENT			
				State Solid Waste Management Fund (IC 13-20-22-2)			
				Personal Services	385,092	385,092	
				Other Operating Expense	1,378,808	1,378,808	
				Augmentation allowed.			
				RECYCLING OPERATING			
				Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
				Personal Services	259,711	259,711	
				Other Operating Expense	90,292	90,292	
				Augmentation allowed.			
				VOLUNTARY CLEAN-UP PROGRAM			
				Voluntary Remediation Fund (IC 13-25-5-21)			
				Personal Services	665,627	665,627	
				Other Operating Expense	229,900	229,900	
				Augmentation allowed.			
				TITLE V AIR PERMIT PROGRAM			
				Title V Operating Permit Program			

	FY 2007-08 Appro.	FY 2008-09 Appro.	Biennial Appro.		FY 2007-08 Appro.	FY 2008-08 Appro.	Biennial Appro.
Trust Fund (IC 13-17-8-1)				Environmental Management Permit Operation Fund are for the following purposes:			
Personal Services	7,265,027	7,265,027		Personal Services	1,955,356	1,955,356	
Other Operating Expense	4,501,920	1,564,171		Other Operating Expense	763,714	619,048	
Augmentation allowed.							
WATER MANAGEMENT PERMITTING				CLEAN VESSEL PUMPOUT			
From the General Fund	2,548,364	2,527,288		Environmental Management Special Fund (IC 13-14-12-1)			
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	5,593,375	5,547,117		Total Operating Expense	129,618	47,122	
Augmentation allowed from the Management Permit Operation Fund.				Augmentation allowed.			
				GROUNDWATER PROGRAM			
The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:				Environmental Management Special Fund (IC 13-14-12-1)			
Personal Services	6,882,416	6,882,416		Total Operating Expense	128,839	128,839	
Other Operating Expense	1,259,323	1,191,989		Augmentation allowed.			
				UNDERGROUND STORAGE TANK PROGRAM			
SOLID WASTE MANAGEMENT PERMITTING				Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
From the General Fund	2,337,961	2,311,961		Total Operating Expense	135,959	135,959	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	3,656,812	3,163,482		Augmentation allowed.			
Augmentation allowed from the Management Permit Operation Fund.				AIR MANAGEMENT OPERATING			
				Personal Services	466,703	468,372	
The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:				Other Operating Expense	354,057	324,817	
Personal Services	4,723,666	4,723,666		WATER MANAGEMENT NONPERMITTING			
Other Operating Expense	1,271,107	751,777		Personal Services	2,528,259	2,528,259	
				Other Operating Expense	708,888	708,888	
HAZARDOUS WASTE MANAGEMENT PERMITTING				GREAT LAKES INITIATIVE			
From the General Fund	2,380,469	2,370,335		Environmental Management Special Fund (IC 13-14-12-1)			
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	2,899,411	2,487,311		Total Operating Expense	57,207	57,207	
Augmentation allowed from the Management Permit Operation Fund.				Augmentation allowed.			
				OUTREACH OPERATOR TRAINING			
The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:				General Fund			
Personal Services	4,245,060	4,245,060		Total Operating Expense	3,059	3,059	
Other Operating Expense	1,034,820	612,586		Environmental Management Special Fund (IC 13-14-12-1)			
				Total Operating Expense	6,116	6,116	
SAFE DRINKING WATER PROGRAM				Augmentation allowed.			
From the General Fund	438,561	415,228		LEAKING UNDERGROUND STORAGE TANKS			
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	2,280,509	2,159,176		Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
Augmentation allowed from the Management Permit Operation Fund.				Personal Services	145,472	145,472	
				Other Operating Expense	18,201	18,201	
The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:				Augmentation allowed.			
Personal Services	4,245,060	4,245,060		CORE SUPERFUND			
Other Operating Expense	1,034,820	612,586		Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
				Total Operating Expense	28,337	20,737	
HAZARDOUS WASTE SITE - STATE CLEAN-UP				Augmentation allowed.			
Hazardous Substances Response				AUTO EMISSIONS TESTING PROGRAM			
				Personal Services	111,387	111,387	
The above appropriations for auto emissions testing are the maximum amounts available for this purpose. If it becomes necessary to conduct additional tests in other locations, the above appropriations shall be prorated among all locations.				Other Operating Expense	5,628,528	5,826,564	

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Trust Fund (IC 13-25-4-1)				ACTIVITIES PROGRAM			
Personal Services	1,407,860	1,407,860		Lead Trust Fund (IC 13-17-14-6)			
Other Operating Expense	594,171	594,171		Total Operating Expense	21,736	21,736	
Augmentation allowed.				Augmentation allowed.			
HAZARDOUS WASTE SITES -							
NATURAL RESOURCE DAMAGES				Notwithstanding any other law, with the approval of the			
Hazardous Substances Response				Governor and the budget agency, the above appropriations			
Trust Fund (IC 13-25-4-1)				for hazardous waste management - permitting, wetlands			
Personal Services	181,465	181,465		protection, watershed management, groundwater program,			
Other Operating Expense	320,752	320,752		underground storage tanks, air management operating,			
Augmentation allowed.				asbestos trust operating, lead based paint activities			
SUPERFUND MATCH				program, water management nonpermitting, pollution			
Hazardous Substances Response				prevention incentives for states, safe drinking water			
Trust Fund (IC 13-25-4-1)				program, and any other appropriation eligible to be			
Total Operating Expense	150,000	150,000		included in a performance partnership grant may be used to			
Augmentation allowed.				fund activities incorporated into a performance partnership			
HOUSEHOLD HAZARDOUS WASTE				grant between the United States Environmental Protection			
Hazardous Substances Response				Agency and the department of environmental management.			
Trust Fund (IC 13-25-4-1)							
Other Operating Expense	302,000	302,000		FOR THE OFFICE OF			
Augmentation allowed.				ENVIRONMENTAL ADJUDICATION			
ASBESTOS TRUST - OPERATING				Personal Services	361,013	361,013	
Asbestos Trust Fund (IC 13-17-6-3)				Other Operating Expense	108,158	90,282	
Personal Services	314,003	314,003					
Other Operating Expense	157,097	157,097		SECTION 6. [EFFECTIVE JULY 1, 2007]			
Augmentation allowed.							
UNDERGROUND PETROLEUM				ECONOMIC DEVELOPMENT			
STORAGE TANK - OPERATING							
Underground Petroleum Storage				A. AGRICULTURE			
Tank Excess Liability Trust							
Fund (IC 13-23-7-1)				FOR THE DEPARTMENT			
Personal Services	1,009,924	1,009,924		OF AGRICULTURE			
Other Operating Expense	44,876,323	44,876,323		Personal Services	1,880,083	1,880,083	
Augmentation allowed.				Other Operating Expense	605,366	605,366	
WASTE TIRE MANAGEMENT							
Waste Tire Management Fund				CLEAN WATER INDIANA			
(IC 13-20-13-8)				General Fund			
Total Operating Expense	1,054,000	1,054,000		Total Operating Expense	2,500,000	2,500,000	
Augmentation allowed.				Cigarette Tax Fund (IC 6-7-1-29.1)			
VOLUNTARY COMPLIANCE				Total Operating Expense	3,750,000	3,750,000	
Environmental Management				Augmentation allowed.			
Special Fund (IC 13-14-12-1)							
Personal Services	166,994	166,994		SOIL CONSERVATION DIVISION			
Other Operating Expense	183,752	183,752		Cigarette Tax Fund (IC 6-7-1-29.1)			
Augmentation allowed.				Total Operating Expense	1,937,652	1,937,652	
ENVIRONMENTAL MANAGEMENT				Augmentation allowed.			
SPECIAL FUND - OPERATING							
Environmental Management				B. COMMERCE			
Special Fund (IC 13-14-12-1)							
Total Operating Expense	400,000	400,000		FOR THE LIEUTENANT GOVERNOR			
Augmentation allowed.				OFFICE OF RURAL AFFAIRS			
SMALL TOWN COMPLIANCE				Personal Services	1,514,377	1,514,377	
Environmental Management				Other Operating Expense	410,322	410,322	
Special Fund (IC 13-14-12-1)				RURAL ECONOMIC			
Total Operating Expense	60,000	60,000		DEVELOPMENT FUND			
Augmentation allowed.				Tobacco Master Settlement Agreement			
STATE INNOVATION - CLEAN				Fund (IC 4-12-1-14.3)			
COMMUNITIES CHALLENGE				Total Operating Expense	3,603,480	3,603,480	
Total Operating Expense	21,682	0		OFFICE OF TOURISM			
PETROLEUM TRUST - OPERATING				Total Operating Expense	4,813,369	4,813,369	
Underground Petroleum Storage Tank				RECYCLING PROMOTION AND			
Trust Fund (IC 13-23-6-1)				ASSISTANCE PROGRAM			
Personal Services	185,637	185,637		Indiana Recycling Promotion and			
Other Operating Expense	377,962	377,962		Assistance Fund (IC 4-23-5.5-14)			
Augmentation allowed.				Total Operating Expense	1,395,000	1,395,000	
LEAD BASED PAINT				Augmentation allowed.			

	<i>FY 2007-08 Appro.</i>	<i>FY 2008-09 Appro.</i>	<i>Biennial Appro.</i>		<i>FY 2007-08 Appro.</i>	<i>FY 2008-08 Appro.</i>	<i>Biennial Appro.</i>
STATE ENERGY PROGRAM				FOR THE INDIANA FINANCE			
Total Operating Expense	263,788	263,788		AUTHORITY (IFA)			
FOOD ASSISTANCE PROGRAM				CAPITAL ACCESS PROGRAM			
Total Operating Expense	145,506	145,506		Total Operating Expense		1,155,524	
FOR THE INDIANA ECONOMIC				ENVIRONMENTAL REMEDIATION			
DEVELOPMENT CORPORATION				REVOLVING LOAN PROGRAM			
ADMINISTRATIVE AND				Total Operating Expense		2,325,000	
FINANCIAL SERVICES				PROJECT GUARANTY PROGRAM			
From the General Fund				Total Operating Expense		1,674,000	
	6,611,741	6,611,741		BUSINESS DEVELOPMENT			
From the Training 2000 Fund				LOAN PROGRAM			
(IC 5-28-7-5)				Total Operating Expense		1,860,000	
	185,630	185,630		FOR THE HOUSING AND COMMUNITY			
From the Industrial Development				DEVELOPMENT AUTHORITY			
Grant Fund (IC 5-28-25-4)				INDIANA INDIVIDUAL			
	52,139	52,139		DEVELOPMENT ACCOUNTS			
				Total Operating Expense	1,600,000	1,800,000	
The amounts specified from the General Fund, Training							
2000 Fund, and Industrial Development Grant Fund are for				The housing and community development authority shall			
the following purposes:				collect and report to the family and social services			
				administration (FSSA) all data required for FSSA to meet			
Total Operating Expense	6,849,510	6,849,510		the data collection and reporting requirements in 45 CFR			
				Part 265.			
INTERNATIONAL TRADE				Family and social services administration, division of family			
Total Operating Expense	1,297,049	1,297,049		resources shall apply all qualifying expenditures for			
ENTERPRISE ZONE PROGRAM				individual development accounts deposits toward Indiana's			
Indiana Enterprise Zone Fund				maintenance of effort under the federal Temporary			
(IC 5-28-15-6)				Assistance to Needy Families (TANF) program (45 CFR 260			
Total Operating Expense	241,860	241,860		et seq.).			
Augmentation allowed.							
LOCAL ECONOMIC DEVELOPMENT				C. EMPLOYMENT SERVICES			
ORGANIZATION/REGIONAL							
ECONOMIC DEVELOPMENT				FOR THE DEPARTMENT OF			
ORGANIZATION (LEDO/REDO)				WORKFORCE DEVELOPMENT			
MATCHING GRANT PROGRAM				ADMINISTRATION			
Total Operating Expense		1,767,000		Total Operating Expense	1,681,603	1,681,603	
TRAINING 2000				SEXUAL ASSAULT			
General Fund				VICTIMS ASSISTANCE			
Total Operating Expense		21,529,536		Sexual Assault Victims Assistance			
Training 2000 Fund (IC 5-28-7-5)				Account (IC 4-23-25-11(i))			
Total Operating Expense		4,470,464		Total Operating Expense	49,000	49,000	
Augmentation allowed.				WOMEN'S COMMISSION			
BUSINESS PROMOTION PROGRAM				Personal Services	91,480	91,480	
Total Operating Expense		2,112,502		Other Operating Expense	23,300	23,300	
TRADE PROMOTION PROGRAM				NATIVE AMERICAN INDIAN			
Total Operating Expense	186,000	186,000		AFFAIRS COMMISSION			
ECONOMIC DEVELOPMENT GRANT				Total Operating Expense	100,000	100,000	
AND LOAN PROGRAM				COMMISSION ON			
General Fund				HISPANIC/LATINO AFFAIRS			
Total Operating Expense		1,116,000		Tobacco Master Settlement Agreement			
Economic Development Fund				Fund (IC 4-12-1-14.3)			
(IC 5-28-8-5)				Total Operating Expense	115,599	115,599	
Total Operating Expense		384,000					
Augmentation allowed.				The above appropriations are in addition to any funding for			
INDUSTRIAL DEVELOPMENT				the commission derived from funds appropriated to the			
GRANT PROGRAM				department of workforce development.			
General Fund				D. OTHER ECONOMIC			
Total Operating Expense		11,045,000		DEVELOPMENT			
Industrial Development Grant Fund							
(IC 5-28-25-4)				FOR THE INDIANA			
Total Operating Expense		1,555,000		HIGHER EDUCATION			
Augmentation allowed.				TELECOMMUNICATIONS SYSTEM			
STRATEGIC DEVELOPMENT FUND				I-LIGHT 2 - BLACK FIBER			
Strategic Development Fund							
Total Operating Expense		30,000					

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Total Operating Expense			9,000,000	and development of public transportation. The department of transportation shall allocate funds based on a formula approved by the commissioner of the department of transportation.			
SECTION 7. [EFFECTIVE JULY 1, 2007]				The department of transportation may distribute public mass transportation funds to an eligible grantee that provides public transportation in Indiana.			
A. TRANSPORTATION				The state funds can be used to match federal funds available under the Federal Transit Act (49 U.S.C. 1601 et seq.), or local funds from a requesting grantee.			
FOR THE DEPARTMENT OF TRANSPORTATION				Before funds may be disbursed to a grantee, the grantee must submit its request for financial assistance to the department of transportation for approval. Allocations must be approved by the governor and the budget agency after review by the budget committee and shall be made on a reimbursement basis. Only applications for capital and operating assistance may be approved. Only those grantees that have met the reporting requirements under IC 8-23-3 are eligible for assistance under this appropriation.			
For the conduct and operation of the department of transportation, the following sums are appropriated for the periods designated, from the state general fund, the public mass transportation fund, the industrial rail service fund, the state highway fund, the motor vehicle highway account, the distressed road fund, the state highway road construction and improvement fund, the motor carrier regulation fund, and the crossroads 2000 fund.				HIGHWAY OPERATING			
INTERMODAL OPERATING				State Highway Fund (IC 8-23-9-54)			
From the State Highway Fund (IC 8-23-9-54)				Personal Services	256,004,351	268,000,991	
	491,232		491,232	Other Operating Expense	54,953,221	56,348,993	
From the Department of Transportation Administration Fund				The above appropriations for personal services and other operating expense include an increase of \$4,325,383 each year to add additional professional staff and equipment to increase the department's plan design and right-of-way capability.			
	13,680		13,680	HIGHWAY BUILDINGS AND GROUNDS			
From the Public Mass Transportation Fund (IC 8-23-3-8)				State Highway Fund (IC 8-23-9-54)			
	336,609		336,609	Total Operating Expense		35,700,000	
From the Industrial Rail Service Fund (IC 8-3-1.7-2)				The above appropriations for highway buildings and grounds may be used for land acquisition, site development, construction and equipping of new highway facilities and for maintenance, repair, and rehabilitation of existing state highway facilities after review by the budget committee.			
	336,609		336,609	HIGHWAY VEHICLE AND ROAD MAINTENANCE EQUIPMENT			
Augmentation allowed from the State Highway Fund, Public Mass Transportation Fund and Industrial Rail Service Fund.				State Highway Fund (IC 8-23-9-54)			
The amounts specified from the State Highway Fund, the Public Mass Transportation Fund, and the Industrial Rail Service Fund are for the following purposes:				Other Operating Expense	20,420,600	20,420,600	
Personal Services	1,096,965		1,096,965	The above appropriations for highway operating and highway vehicle and road maintenance equipment may be used for personal services, equipment, and other operating expense, including the cost of transportation for the governor.			
Other Operating Expense	81,165		81,165	HIGHWAY MAINTENANCE WORK PROGRAM			
INTERMODAL GRANT PROGRAM				State Highway Fund (IC 8-23-9-54)			
Department of Transportation Administration Fund				Other Operating Expense	75,480,000	76,989,600	
Total Operating Expense	42,000		42,000	The above appropriations for the highway maintenance work program may be used for:			
Public Mass Transportation Fund (IC 8-23-3-8)				(1) materials for patching roadways and shoulders;			
Total Operating Expense	37,500		37,500	(2) repairing and painting bridges;			
Augmentation allowed from Public Mass Transportation Fund.				(3) installing signs and signals and painting roadways for			
RAILROAD GRADE CROSSING IMPROVEMENT							
State Highway Fund (IC 8-23-9-54)							
Total Operating Expense	500,000		500,000				
HIGH SPEED RAIL							
Industrial Rail Service Fund							
Matching Funds			40,000				
Augmentation allowed.							
PUBLIC MASS TRANSPORTATION							
Public Mass Transportation Fund (IC 8-23-3-8)							
Total Operating Expense	34,874,267		35,583,434				
Augmentation allowed.							
The appropriations are to be used solely for the promotion							

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<i>Appro.</i>	<i>Appro.</i>	

traffic control;

(4) mowing, herbicide application, and brush control;

(5) drainage control;

(6) maintenance of rest areas, public roads on properties of the department of natural resources, and driveways on the premises of all state facilities;

(7) materials for snow and ice removal;

(8) utility costs for roadway lighting; and

(9) other special maintenance and support activities consistent with the highway maintenance work program.

HIGHWAY CAPITAL IMPROVEMENTS

State Highway Fund (IC 8-23-9-54)

Right-of-Way Expense	30,000,000	43,200,000
Formal Contracts Expense	64,897,733	46,652,354
Consulting Services Expense	48,000,000	47,200,000
Institutional Road Construction	5,000,000	5,000,000

The above appropriations for the capital improvements program may be used for:

(1) bridge rehabilitation and replacement;

(2) road construction, reconstruction, or replacement;

(3) construction, reconstruction, or replacement of travel lanes, intersections, grade separations, rest parks, and weigh stations;

(4) relocation and modernization of existing roads;

(5) resurfacing;

(6) erosion and slide control;

(7) construction and improvement of railroad grade crossings, including the use of the appropriations to match federal funds for projects;

(8) small structure replacements;

(9) safety and spot improvements; and

(10) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

The appropriations for highway operating, highway vehicles and road maintenance equipment, highway buildings and grounds, the highway planning and research program, the highway maintenance work program, and highway capital improvements are appropriated from estimated revenues, which include the following:

(1) Funds distributed to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).

(2) Funds distributed to the state highway fund from the highway, road and street fund under IC 8-14-2-3.

(3) All fees and miscellaneous revenues deposited in or accruing to the state highway fund under IC 8-23-9-54.

(4) Any unencumbered funds carried forward in the state highway fund from any previous fiscal year.

(5) All other funds appropriated or made available to the department of transportation by the general assembly.

If funds from sources set out above for the department of transportation exceed appropriations from those sources to the department, the excess amount is hereby appropriated to be used for formal contracts with approval of the governor and the budget agency.

If there is a change in a statute reducing or increasing revenue for department use, the budget agency shall notify

the auditor of state to adjust the above appropriations to reflect the estimated increase or decrease. Upon the request of the department, the budget agency, with the approval of the governor, may allot any increase in appropriations to the department for formal contracts.

If the department of transportation finds that an emergency exists or that an appropriation will be insufficient to cover expenses incurred in the normal operation of the department, the budget agency may, upon request of the department, and with the approval of the governor, transfer funds from revenue sources set out above from one (1) appropriation to the deficient appropriation. No appropriation from the state highway fund may be used to fund any toll road or toll bridge project except as specifically provided for under IC 8-15-2-20.

HIGHWAY PLANNING AND RESEARCH PROGRAM

State Highway Fund (IC 8-23-9-54)

Total Operating Expense	3,605,000	3,713,150
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STATE HIGHWAY ROAD

CONSTRUCTION AND

IMPROVEMENT PROGRAM

State Highway Road Construction

Improvement Fund (IC 8-14-10-5)

Lease Rental Payments

Expense	63,487,461	64,806,454
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Augmentation allowed.

The above appropriations for the state highway road construction and improvement program are appropriated from the state highway road construction and improvement fund provided in IC 8-14-10-5 and may include any unencumbered funds carried forward from any previous fiscal year. The funds may be used for:

(1) road and bridge construction, reconstruction, or replacement;

(2) construction, reconstruction, or replacement of travel lanes, intersections, grade separations;

(3) relocation and modernization of existing roads;

(4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects; and

(5) payment of rentals and leases relating to projects under IC 8-14.5.

CROSSROADS 2000 PROGRAM

Crossroads 2000 Fund (IC 8-14-10-9)

Lease Rental Payment

Expense	35,928,754	36,288,042
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Augmentation allowed.

The above appropriations for the crossroads 2000 program are appropriated from the crossroads 2000 fund provided in IC 8-14-10-9 and may include any unencumbered funds carried forward from any previous fiscal year. The funds may be used for:

(1) road and bridge construction, reconstruction, or replacement;

(2) construction, reconstruction, or replacement of travel lanes, intersections, grade separations;

(3) relocation and modernization of existing roads;

(4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects;

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

and

(5) payment of rentals and leases relating to projects under IC 8-14.5.

FEDERAL APPORTIONMENT

Right-of-Way Expense	64,000,000	74,700,000
Formal Contracts Expense	425,788,221	492,103,311
Consulting Engineers Expense	149,121,779	108,804,989
Highway Planning and Research	13,390,000	13,791,700
Local Government Revolving Acct.	180,000,000	180,000,000

The department may establish an account to be known as the "local government revolving account". The account is to be used to administer the federal-local highway construction program. All contracts issued and all funds received for federal-local projects under this program shall be entered into this account.

If the federal apportionments for the fiscal years covered by this act exceed the above estimated appropriations for the department or for local governments, the excess federal apportionment is hereby appropriated for use by the department with the approval of the governor and the budget agency.

The department shall bill, in a timely manner, the federal government for all department payments that are eligible for total or partial reimbursement.

The department may let contracts and enter into agreements for construction and preliminary engineering during each year of the 2007-2009 biennium that obligate not more than one-third (1/3) of the amount of state funds estimated by the department to be available for appropriation in the following year for formal contracts and consulting engineers for the capital improvements program.

Under IC 8-23-5-7(a), the department, with the approval of the governor, may construct and maintain roadside parks and highways where highways will connect any state highway now existing, or hereafter constructed, with any state park, state forest preserve, state game preserve, or the grounds of any state institution. There is appropriated to the department of transportation an amount sufficient to carry out the provisions of this paragraph. Under IC 8-23-5-7(d), such appropriations shall be made from the motor vehicle highway account before distribution to local units of government.

LOCAL TECHNICAL ASSISTANCE AND RESEARCH

Under IC 8-14-1-3(6), there is appropriated to the department of transportation an amount sufficient for:

- (1) the program of technical assistance under IC 8-23-2-5(6); and
- (2) the research and highway extension program conducted for local government under IC 8-17-7-4.

The department shall develop an annual program of work for research and extension in cooperation with those units being served, listing the types of research and educational

programs to be undertaken. The commissioner of the department of transportation may make a grant under this appropriation to the institution or agency selected to conduct the annual work program. Under IC 8-14-1-3(6), appropriations for the program of technical assistance and for the program of research and extension shall be taken from the local share of the motor vehicle highway account.

Under IC 8-14-1-3(7) there is hereby appropriated such sums as are necessary to maintain a sufficient working balance in accounts established to match federal and local money for highway projects. These funds are appropriated from the following sources in the proportion specified:

- (1) one-half (½) from the forty-seven percent (47%) set aside of the motor vehicle highway account under IC 8-14-1-3(7); and
- (2) for counties and for those cities and towns with a population greater than five thousand (5,000), one-half (½) from the distressed road fund under IC 8-14-8-2.

SECTION 8. [EFFECTIVE JULY 1, 2007]

FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS

A. FAMILY AND SOCIAL SERVICES

FOR THE BUDGET AGENCY FSSA/DEPARTMENT OF HEALTH INSTITUTIONAL CONTINGENCY FUND

Total Operating Expense	2,000,000
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The above institutional contingency fund shall be allotted upon the recommendation of the budget agency with approval of the governor. This appropriation may be used to supplement individual hospital, state developmental center, and special institutions budgets.

INDIANA PRESCRIPTION DRUG PROGRAM

Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)

Total Operating Expense	7,900,000	7,900,000
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With the approval of the governor and the budget agency, the above appropriations for the Indiana prescription drug program may be augmented by leveraging for each fiscal year federal Medicaid dollars.

FOR THE FAMILY AND SOCIAL SERVICES ADMINISTRATION CHILDREN'S HEALTH INSURANCE PROGRAM

Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)

Total Operating Expense	31,363,603	33,863,603
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FAMILY AND SOCIAL SERVICES ADMINISTRATION

Total Operating Expense	13,816,018	13,823,693
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COMMISSION ON THE SOCIAL STATUS OF BLACK MALES

Total Operating Expense	131,628	131,711
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OFFICE OF MEDICAID POLICY AND PLANNING - ADMINISTRATION

	<i>FY</i> <i>2007-08</i> <i>Appro.</i>	<i>FY</i> <i>2008-09</i> <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Total Operating Expense	5,462,653	5,462,653	
MEDICAID ADMINISTRATION			
Total Operating Expense	49,500,000	49,500,000	
MEDICAID - CURRENT OBLIGATIONS			
General Fund			
Total Operating Expense	1,467,000,000	1,467,000,000	

The foregoing appropriations for Medicaid current obligations and for Medicaid administration are for the purpose of enabling the office of Medicaid policy and planning to carry out all services as provided in IC 12-8-6. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the office of Medicaid policy and planning for the respective purposes for which the money was allocated and paid to the state. Subject to the provisions of P.L.46-1995, if the sums herein appropriated for Medicaid current obligations and for Medicaid administration are insufficient to enable the office of Medicaid policy and planning to meet its obligations, then there is appropriated from the general fund such further sums as may be necessary for that purpose, subject to the approval of the governor and the budget agency.

After June 30, 2008, no allotment of the funds can be made to a private vendor unless approved by the Indiana General Assembly.

HOSPITAL CARE FOR THE INDIGENT FUND

Hospital Care for the Indigent Fund (IC 12-16-14-6)		
Total Operating Expense	56,900,000	56,900,000
Augmentation allowed.		

Subject to the approval of the governor and the budget agency, the foregoing appropriations for Medicaid - Current Obligations may be augmented or reduced based on revenues accruing to the hospital care for the indigent fund.

MEDICAID DISABILITY ELIGIBILITY EXAMS

Total Operating Expense	3,195,000	3,195,000
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MENTAL HEALTH ADMINISTRATION

Other Operating Expense	2,365,294	2,365,294
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SERIOUSLY EMOTIONALLY DISTURBED

Total Operating Expense	16,469,493	16,469,493
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SERIOUSLY MENTALLY ILL

General Fund		
Total Operating Expense	93,862,579	93,862,579
Mental Health Centers Fund (IC 6-7-1)		
Total Operating Expense	4,445,000	4,445,000
Augmentation allowed.		

COMMUNITY MENTAL HEALTH CENTERS

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	2,000,000	2,000,000
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The above appropriation from the Tobacco Master Settlement Agreement Fund is in addition to other funds.

The above appropriations for comprehensive community mental health services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid rehabilitation option.

The comprehensive community mental health centers shall submit their proposed annual budgets (including income and operating statements) to the budget agency on or before August 1 of each year. All federal funds shall be applied in augmentation of the foregoing funds rather than in place of any part of the funds. The office of the secretary, with the approval of the budget agency, shall determine an equitable allocation of the appropriation among the mental health centers.

GAMBLERS' ASSISTANCE

Gamblers' Assistance Fund (IC 4-33-12-6)		
Total Operating Expense	4,250,000	4,250,000
SUBSTANCE ABUSE TREATMENT		
Total Operating Expense	5,018,500	5,018,500

The above appropriation for total operating expense for Substance Abuse Treatment includes an amount of \$12,500 each year of the biennium for the employment of a drug and alcohol abuse counselor for the Jefferson County Transitional Services, Inc. The amount provided for these purposes may not be used for any other purpose.

QUALITY ASSURANCE/RESEARCH

Total Operating Expense	884,304	884,304
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PREVENTION

Gamblers' Assistance Fund (IC 4-33-12-6)		
Total Operating Expense	2,946,936	2,946,936
Augmentation allowed.		

METHADONE DIVERSION CONTROL

OVERSIGHT (MDCO) PROGRAM

MDCO Fund (IC 12-23-18)		
Total Operating Expense	26,269	26,269
Augmentation allowed.		

DMHA YOUTH TOBACCO REDUCTION SUPPORT PROGRAM

Gamblers' Assistance Fund (IC 4-33-12-6)		
Total Operating Expense	54,000	54,000
Augmentation allowed.		

EVANSVILLE STATE HOSPITAL

General Fund		
	22,395,551	22,407,654
Mental Health Fund (IC 12-24-14-4)		
	1,235,014	1,235,682
Augmentation allowed.		

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	18,516,201	18,528,972
Other Operating Expense	5,114,364	5,114,364

LARUE CARTER

MEMORIAL HOSPITAL

General Fund		
	18,887,386	18,895,892
Mental Health Fund (IC 12-24-14-4)		

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
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<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
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Augmentation allowed.	443,622	443,822	
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The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	12,562,778	12,571,484
Other Operating Expense	6,768,230	6,768,230

LOGANSPOUT STATE HOSPITAL General Fund

	38,746,342	38,765,733
Mental Health Fund (IC 12-24-14-4)	1,764,662	1,765,546

Augmentation allowed.

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	29,854,331	29,874,606
Other Operating Expense	10,656,673	10,656,673

FARM REVENUE

Total Operating Expense	53,857	53,857
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MADISON STATE HOSPITAL General Fund

	20,947,363	20,959,654
Mental Health Fund (IC 12-24-14-4)	811,461	811,937

Augmentation allowed.

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	18,439,326	18,452,093
Other Operating Expense	3,319,498	3,319,498

RICHMOND STATE HOSPITAL General Fund

	30,590,520	30,605,663
Mental Health Fund (IC 12-24-14-4)	876,500	876,934

Augmentation allowed.

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	25,548,982	25,564,559
Other Operating Expense	5,918,038	5,918,038

PATIENT PAYROLL

Total Operating Expense	316,800	316,800
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The federal share of revenue accruing to the state mental health institutions under IC 12-15, based on the applicable Federal Medical Assistance Percentage (FMAP), shall be deposited in the mental health fund established by IC 12-24-14-1, and the remainder shall be deposited in the general fund.

In addition to the above appropriations each institution may qualify for an additional appropriation, or allotment, subject to approval of the governor and the budget agency, from the mental health fund of up to twenty percent (20%), but not to exceed \$50,000 in each fiscal year, of the amount

by which actual net collections exceed an amount specified in writing by the division of mental health and addiction before July 1 of each year beginning July 1, 2007.

None of the appropriations in this act may be used to pay expenditures under a management agreement or any other contract that provides for the management or operation of Richmond State Hospital by individuals or an entity other than the state of Indiana.

DIVISION OF FAMILY RESOURCES ADMINISTRATION

Personal Services	4,814,750	4,820,468
Other Operating Expense	810,328	810,328

CENTRAL REIMBURSEMENT OFFICE PROGRAM

ADMINISTRATION

Total Operating Expense	6,399,705	6,399,705
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CHILD CARE LICENSING FUND

Child Care Fund

Total Operating Expense	100,000	100,000
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Augmentation allowed.

ELECTRONIC BENEFIT TRANSFER PROGRAM

Total Operating Expense	1,800,766	1,800,766
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The foregoing appropriations for the division of family resources Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.

STATE WELFARE - COUNTY ADMINISTRATION

Total Operating Expense	49,501,684	49,501,684
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The foregoing appropriation may be transferred from FSSA to the department of child services with the approval of the budget agency.

INDIANA CLIENT ELIGIBILITY SYSTEM (ICES)

Total Operating Expense	7,007,662	7,007,662
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IMPACT PROGRAM

Total Operating Expense	2,449,580	2,449,683
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TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)

Total Operating Expense	40,457,943	40,457,943
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IMPACT - TANF

Total Operating Expense	5,768,527	5,768,672
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CHILD CARE &

DEVELOPMENT FUND

Total Operating Expense	35,056,200	35,056,200
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The foregoing appropriations for information systems/technology, education and training, temporary assistance to needy families (TANF), and child care services are for the purpose of enabling the division of family resources to carry out all services as provided in IC 12-14. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the division of family resources for the respective purposes for which such money was allocated and paid to the state.

DOMESTIC VIOLENCE PREVENTION AND

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
TREATMENT			
General Fund			
Total Operating Expense	1,000,000	1,000,000	
Domestic Violence Prevention and Treatment Fund (IC 12-18-4)			
Total Operating Expense	1,000,000	1,000,000	
Augmentation allowed.			
STEP AHEAD			
Total Operating Expense	1,789,082	1,789,312	
SCHOOL AGE CHILD CARE PROJECT FUND			
Total Operating Expense	850,000	950,000	
DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES ADMINISTRATION			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	3,012,462	3,012,462	

The above appropriations for the division of disability, aging, and rehabilitative services administration are for administrative expenses. Any federal fund reimbursements received for such purposes are to be deposited in the general fund.

ROOM AND BOARD ASSISTANCE (R-CAP)			
Total Operating Expense	11,421,472	11,421,472	
C.H.O.I.C.E. IN-HOME SERVICES			
Total Operating Expense	50,000,000	50,000,000	

The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the nonfederal share of the Medicaid aged and disabled waiver. The intragovernmental transfers for use in the Medicaid aged and disabled waiver shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2008, and the intragovernmental transfers shall not exceed seven million nine hundred thousand dollars (\$7,900,000) in the state fiscal year ending June 30, 2009.

If the appropriations for C.H.O.I.C.E. In-Home Services are insufficient to provide services to all eligible persons, the division of disability, aging, and rehabilitative services may give priority for services to persons who are unable to perform three (3) or more activities of daily living (as defined in IC 12-10-10-1.5). The division of disability, aging, and rehabilitative services may discontinue conducting assessments for individuals applying for services under the C.H.O.I.C.E. In-Home Services program if a waiting list for such services exists.

The division of disability, aging, and rehabilitative services shall conduct an annual evaluation of the cost effectiveness of providing home care. Before January of each year, the division shall submit a report to the budget committee, the budget agency, and the legislative council that covers all aspects of the division's evaluation and such other information pertaining thereto as may be requested by the budget committee, the budget agency, or the legislative council, including the following:

- (1) the number and demographic characteristics of the recipients of home care during the preceding fiscal year;
- (2) the total cost and per recipient cost of providing home

care services during the preceding fiscal year;

(3) the number of recipients of home care services who would have been placed in long term care facilities had they not received home care services; and

(4) the total cost savings during the preceding fiscal year realized by the state due to recipients of home care services (including Medicaid) being diverted from long term care facilities.

The division shall obtain from providers of services data on their costs and expenditures regarding implementation of the program and report the findings to the budget committee, the budget agency, and the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6.

OLDER HOOSIERS ACT

Total Operating Expense	1,842,109	1,842,109
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ADULT PROTECTIVE SERVICES

Total Operating Expense	2,021,540	2,021,540
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ADULT GUARDIANSHIP SERVICES

Total Operating Expense	491,863	491,892
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TITLE V EMPLOYMENT GRANT (OLDER WORKERS)

Total Operating Expense	6,436	6,436
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TITLE III ADMINISTRATION GRANT

Total Operating Expense	307,282	307,446
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OMBUDSMAN

Total Operating Expense	305,226	305,226
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VOCATIONAL REHABILITATION SERVICES

Personal Services	3,440,619	3,443,026
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Other Operating Expense	14,133,156	14,133,156
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From the above appropriations, at least \$233,000 in each state fiscal year shall be used for the Attain Program.

AID TO INDEPENDENT LIVING

Total Operating Expense	22,008	22,008
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OFFICE OF DEAF AND HEARING IMPAIRED

Personal Services	285,036	285,235
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Other Operating Expense	211,396	211,396
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BLIND VENDING OPERATIONS

Total Operating Expense	129,879	129,905
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DEVELOPMENTAL DISABILITY

RESIDENTIAL FACILITIES COUNCIL

Personal Services	2,970	2,970
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Other Operating Expense	13,168	13,168
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OFFICE OF SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

Personal Services	255,036	255,036
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Other Operating Expense	73,907	73,907
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EMPLOYEE TRAINING

Total Operating Expense	6,112	6,112
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MEDICAID WAIVER

Total Operating Expense	316,333	316,390
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OBRA/PASSARR

Total Operating Expense	90,212	90,268
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BUREAU OF QUALITY IMPROVEMENT SERVICES - BQIS

Total Operating Expense	1,919,027	1,919,027
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DAY SERVICES - DEVELOPMENTALLY DISABLED

Other Operating Expense	22,976,381	22,976,381
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DIAGNOSIS AND EVALUATION

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Other Operating Expense	930,788	930,788	
SUPPORTED EMPLOYMENT			
Other Operating Expense	3,117,498	3,117,498	
EPILEPSY PROGRAM			
Other Operating Expense	460,954	460,954	
FAMILY SUBSIDY PROGRAM			
Other Operating Expense	1,004,700	1,004,700	
RESIDENTIAL SERVICES - CASE MANAGEMENT			
General Fund			
Total Operating Expense	4,436,985	4,436,985	
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	2,050,626	2,050,626	
Augmentation allowed.			
RESIDENTIAL SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS			
General Fund			
Total Operating Expense	91,749,831	107,967,677	
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	22,300,000	22,300,000	

The above appropriations for client services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid program for day services provided to residents of group homes and nursing facilities.

In the development of new community residential settings for persons with developmental disabilities, the division of disability, aging, and rehabilitative services must give priority to the appropriate placement of such persons who are eligible for Medicaid and currently residing in intermediate care or skilled nursing facilities and, to the extent permitted by law, such persons who reside with aged parents or guardians or families in crisis.

FORT WAYNE STATE DEVELOPMENTAL CENTER			
General Fund			
	359,900	359,900	
Mental Health Fund (IC 12-24-14-4)			
	1,838,145	1,839,050	
Augmentation allowed.			

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	1,625,184	1,626,089
Other Operating Expense	572,861	572,861

The federal share of revenue accruing to the state developmental centers under IC 12-15, based on the applicable Federal Medical Assistance Percentage (FMAP), shall be deposited in the mental health fund established under IC 12-24-14, and the remainder shall be deposited in the general fund.

In addition to the above appropriations, each institution may qualify for an additional appropriation, or allotment, subject to approval of the governor and the budget agency, from the mental health fund of up to twenty percent (20%) but not to exceed \$50,000, of the amount in which actual net collections exceed an amount specified in writing by the

division of disability, aging, and rehabilitative services before July 1 of each year beginning July 1, 2007.

The director of the division of disability and rehabilitative services shall calculate, after consultation with the budget agency and the state department of health, the savings realized from the closure of the Fort Wayne State Developmental Center for state fiscal years 2007, 2008, and 2009. The calculation of the savings realized from the closure of the Fort Wayne State Developmental Center must be consistent with the financial analysis that informed the decision to close the Fort Wayne State Developmental Center. The director of the division of disability and rehabilitative services shall administer the savings realized from the closure of the Fort Wayne State Developmental Center and shall only use the savings realized to provide services to developmentally disabled clients. Any savings realized from the closure of the Fort Wayne State Developmental Center under administration of the director of the division of disability and rehabilitative services does not revert to the state general fund at the end of any state fiscal year.

**FOR THE DEPARTMENT OF
CHILD SERVICES
DEPARTMENT OF CHILD
SERVICES - ADMINISTRATION**

Personal Services	89,381,694	95,834,780
Other Operating Expense	19,266,922	18,512,996

**DEPARTMENT OF CHILD
SERVICES - STATE
ADMINISTRATION**

Personal Services	8,437,193	8,437,193
Other Operating Expense	814,900	787,540

CHILD WELFARE SERVICES

STATE GRANTS

General Fund		
Total Operating Expense	10,048,884	10,048,884
Excise and Financial Institution Taxes		
Total Operating Expense	6,275,000	6,275,000
Augmentation allowed.		

**TITLE IV-D OF THE FEDERAL
SOCIAL SECURITY ACT
(STATE MATCH)**

Total Operating Expense	5,282,841	5,282,841
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The foregoing appropriations for the department of child services Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.

YOUTH SERVICE BUREAU

Total Operating Expense	1,650,000	1,650,000
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PROJECT SAFEPLACE

Total Operating Expense	250,000	250,000
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HEALTHY FAMILIES INDIANA

Total Operating Expense	6,223,086	6,223,086
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CHILD WELFARE TRAINING

Total Operating Expense	1,537,864	1,537,864
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SPECIAL NEEDS ADOPTION II

Personal Services	342,669	342,669
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Other Operating Expense	377,009	377,009
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ADOPTION ASSISTANCE

Total Operating Expense	12,159,147	13,883,265
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The foregoing appropriations for Title IV-B child welfare

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<i>Appro.</i>	<i>Appro.</i>	

and adoption assistance represent the maximum state match for Title IV-B and Title IV-E.

SOCIAL SERVICES BLOCK GRANT (SSBG)

Total Operating Expense	20,863,880	20,863,880
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The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:

Division of Disability, Aging, and Rehabilitative Services	1,030,877	1,030,877
Division of Family Resources	12,168,423	12,168,423
Department of Child Services	6,072,726	6,072,726
Department of Health	296,504	296,504
Department of Correction	1,295,350	1,295,350

NON-RECURRING ADOPTION ASSISTANCE

Total Operating Expense	625,000	625,000
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INDIANA SUPPORT ENFORCEMENT TRACKING (ISETS)

Total Operating Expense	4,972,285	5,312,285
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CHILD PROTECTION AUTOMATION PROJECT (ICWIS)

Total Operating Expense	5,421,817	5,421,817
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B. PUBLIC HEALTH

FOR THE STATE DEPARTMENT OF HEALTH

General Fund	23,048,061	31,848,061
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	8,800,000	0

The amounts specified from the General Fund and the Tobacco Master Settlement Agreement Fund are for the following purposes:

Personal Services	21,945,887	21,945,887
Other Operating Expense	9,902,174	9,902,174

All receipts to the state department of health from licenses or permit fees shall be deposited in the state general fund. Augmentation allowed in amounts not to exceed revenue from penalties or fees collected by the state department of health.

CANCER REGISTRY

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	648,739	648,739
Total Operating Expense	648,739	648,739

MINORITY HEALTH INITIATIVE

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	3,000,000	3,000,000
Total Operating Expense	3,000,000	3,000,000

The foregoing appropriations shall be allocated to the Indiana Minority Health Coalition to work with the state department on the implementation of IC 16-46-11.

AID TO COUNTY TUBERCULOSIS HOSPITALS

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	449,879	449,879
Total Operating Expense	449,879	449,879

These funds shall be used for eligible expenses according to IC 16-21-7-3 for tuberculosis patients for whom there are no other sources of reimbursement, including patient resources, health insurance, medical assistance payments, and hospital care for the indigent.

MEDICARE-MEDICAID CERTIFICATION

Total Operating Expense	6,546,029	6,546,029
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Personal services augmentation allowed in amounts not to exceed revenue from health facilities license fees or from health care providers (as defined in IC 16-18-2-163) fee increases or those adopted by the Executive Board of the Indiana State Department of health pursuant to IC 16-19-3.

AIDS EDUCATION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	421,851	422,146
Personal Services	277,953	277,953
Other Operating Expense	277,953	277,953

HIV/AIDS SERVICES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	2,162,254	2,162,254
Total Operating Expense	2,162,254	2,162,254

TEST FOR DRUG

AFFLICTED BABIES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	62,496	62,496
Total Operating Expense	62,496	62,496

The above appropriations for drug afflicted babies shall be used for the following purposes:

(1) All newborn infants shall be tested for the presence of a controlled substance in the infant's meconium if they meet the criteria established by the state department of health. These criteria will, at a minimum, include all newborns, if at birth:

(A) the infant's weight is less than two thousand five hundred (2,500) grams;
(B) the infant's head is smaller than the third percentile for the infant's gestational age; and
(C) there is no medical explanation for the conditions described in clauses (A) and (B).

(2) If a meconium test determines the presence of a controlled substance in the infant's meconium, the infant may be declared a child in need of services as provided in IC 31-34-1-10 through IC 31-34-1-13. However, the child's mother may not be prosecuted in connection with the results of the test.

(3) The state department of health shall provide forms on which the results of a meconium test performed on an infant under subdivision (1) must be reported to the state department of health by physicians and hospitals.

(4) The state department of health shall, at least

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semi-annually:

(A) ascertain the extent of testing under this chapter; and
(B) report its findings under subdivision (1) to:

(i) all hospitals;
(ii) physicians who specialize in obstetrics and gynecology or work with infants and young children; and
(iii) any other group interested in child welfare that requests a copy of the report from the state department of health.

(5) The state department of health shall designate at least one (1) laboratory to perform the meconium test required under subdivisions (1) through (8). The designated laboratories shall perform a meconium test on each infant described in subdivision (1) to detect the presence of a controlled substance.

(6) Subdivisions (1) through (7) do not prevent other facilities from conducting tests on infants to detect the presence of a controlled substance.

(7) Each hospital and physician shall:

(A) take or cause to be taken a meconium sample from every infant born under the hospital's and physician's care who meets the description under subdivision (1); and

(B) transport or cause to be transported each meconium sample described in clause (A) to a laboratory designated under subdivision (5) to test for the presence of a controlled substance as required under subdivisions (1) through (7).

(8) The state department of health shall establish guidelines to carry out this program, including guidance to physicians, medical schools, and birthing centers as to the following:

(A) Proper and timely sample collection and transportation under subdivision (7) of this appropriation.

(B) Quality testing procedures at the laboratories designated under subdivision (5) of this appropriation.

(C) Uniform reporting procedures.

(D) Appropriate diagnosis and management of affected newborns and counseling and support programs for newborns' families.

(9) A medically appropriate discharge of an infant may not be delayed due to the results of the test described in subdivision (1) or due to the pendency of the results of the test described in subdivision (1).

STATE CHRONIC DISEASES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Personal Services	49,014	49,014
Other Operating Expense	681,286	681,286

At least \$82,560 of the above appropriations shall be for grants to community groups and organizations as provided in IC 16-46-7-8.

WOMEN, INFANTS, AND CHILDREN SUPPLEMENT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	176,700	176,700
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MATERNAL AND CHILD HEALTH SUPPLEMENT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	176,700	176,700
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Notwithstanding IC 6-7-1-30.2, the above appropriations for the women, infants, and children supplement and maternal and child health supplement are the total appropriations

provided for this purpose.

CANCER EDUCATION AND DIAGNOSIS - BREAST CANCER

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	93,000	93,000
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CANCER EDUCATION AND DIAGNOSIS - PROSTATE CANCER

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	93,000	93,000
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ADOPTION HISTORY

Adoption History Fund (IC 31-19-18-6)

Total Operating Expense	190,796	190,796
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Augmentation allowed.

CHILDREN WITH SPECIAL HEALTH CARE NEEDS

General Fund

Total Operating Expense	1,700,000	1,700,000
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Children with Special Health Care Needs (IC 16-35-4-1)

Total Operating Expense	8,297,591	8,297,591
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Augmentation allowed.

NEWBORN SCREENING PROGRAM

Newborn Screening Fund

(IC 16-41-17-11)

Personal Services	357,071	357,071
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Other Operating Expense	1,003,887	1,003,887
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Augmentation allowed.

RADON GAS TRUST FUND

Radon Gas Trust Fund (IC 16-41-38-8)

Total Operating Expense	12,700	12,700
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Augmentation allowed.

BIRTH PROBLEMS REGISTRY

Birth Problems Registry Fund

(IC 16-38-4-17)

Personal Services	58,292	58,292
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Other Operating Expense	30,012	30,012
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Augmentation allowed.

MOTOR FUEL

INSPECTION PROGRAM

Motor Fuel Inspection Fund

(IC 16-44-3-10)

Total Operating Expense	127,701	127,701
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Augmentation allowed.

PROJECT RESPECT

Total Operating Expense	554,540	554,540
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DONATED DENTAL SERVICES

Total Operating Expense	42,932	42,932
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The above appropriation shall be used by the Indiana foundation for dentistry for the handicapped.

OFFICE OF WOMEN'S HEALTH

Total Operating Expense	133,463	133,463
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SOLDIERS' AND SAILORS'

CHILDREN'S HOME

Personal Services	9,100,938	9,100,938
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Other Operating Expense	1,322,500	1,322,500
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FARM REVENUE

Total Operating Expense	22,715	22,715
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INDIANA VETERANS' HOME

From the General Fund

13,917,781	13,399,178
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<i>Appro.</i>	<i>Appro.</i>	

**From the Comfort-Welfare
Fund (IC 10-17-9-7(c))**

9,764,000	9,764,000
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Augmentation allowed from the comfort-welfare fund in amounts not to exceed revenue collected for Medicaid and Medicare reimbursement.

The amounts specified from the General Fund and the Comfort-Welfare Fund are for the following purposes:

Personal Services	19,880,493	19,880,493
Other Operating Expense	3,801,288	3,282,685

**COMFORT AND
WELFARE PROGRAM
Comfort-Welfare Fund
(IC 10-17-9-7(c))**

Total Operating Expense	111,000	111,000
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WEIGHTS AND MEASURES FUND

**Weights and Measures Fund
(IC 16-19-5-4)**

Total Operating Expense	25,300	25,300
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MINORITY EPIDEMIOLOGY

**Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	750,000	750,000
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**COMMUNITY HEALTH CENTERS
Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	30,000,000	30,000,000
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Of the above appropriation for community health centers, \$30,000,000 may be used for capital projects in fiscal year 2007-2008 and fiscal year 2008-2009.

**PRENATAL SUBSTANCE USE
& PREVENTION**

**Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	150,000	150,000
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**LOCAL HEALTH
MAINTENANCE FUND**

**Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	3,860,000	3,860,000
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Augmentation allowed.

The amount appropriated from the tobacco master settlement agreement fund is in lieu of the appropriation provided for this purpose in IC 6-7-1-30.5 or any other law. Of the above appropriations for the local health maintenance fund, \$60,000 each year shall be used to provide additional funding to adjust funding through the formula in IC 16-46-10 to reflect population increases in various counties. Money appropriated to the local health maintenance fund must be allocated under the following schedule each year to each local board of health whose application for funding is approved by the state department of health:

COUNTY POPULATION	AMOUNT OF GRANT
over 499,999	94,112
100,000 - 499,999	72,672
50,000 - 99,999	48,859

under 50,000

33,139

LOCAL HEALTH

DEPARTMENT ACCOUNT

**Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	3,000,000	3,000,000
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The foregoing appropriations for the local health department account are statutory distributions pursuant to IC 4-12-7.

**FOR THE TOBACCO USE
PREVENTION AND
CESSATION BOARD**

**TOBACCO USE PREVENTION
AND CESSATION PROGRAM**

**Tobacco Master Settlement Agreement
Fund (IC 4-12-1-14.3)**

Total Operating Expense	15,000,000	15,000,000
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A minimum of 75% of the above appropriations shall be used for grants to local agencies and other entities with programs designed to reduce smoking.

**FOR THE INDIANA SCHOOL
FOR THE BLIND**

Personal Services	10,746,019	10,746,019
Other Operating Expense	1,055,964	1,055,964

**FOR THE INDIANA SCHOOL
FOR THE DEAF**

Personal Services	16,892,896	16,892,896
Other Operating Expense	1,959,367	1,959,367

C. VETERANS' AFFAIRS

**FOR THE INDIANA DEPARTMENT
OF VETERANS' AFFAIRS**

Personal Services	527,049	527,049
Other Operating Expense	134,632	134,632

**DISABLED AMERICAN VETERANS
OF WORLD WARS**

Total Operating Expense	40,000	40,000
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**AMERICAN VETERANS OF WORLD
WAR II, KOREA, AND VIETNAM**

Total Operating Expense	30,000	30,000
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VETERANS OF FOREIGN WARS

Total Operating Expense	30,000	30,000
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VIETNAM VETERANS OF AMERICA

Total Operating Expense		20,000
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MILITARY FAMILY RELIEF FUND

Total Operating Expense	450,000	450,000
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SECTION 9. [EFFECTIVE JULY 1, 2007]

EDUCATION

A. HIGHER EDUCATION

**FOR INDIANA UNIVERSITY
BLOOMINGTON CAMPUS**

Total Operating Expense	195,692,339	199,606,185
Fee Replacement	24,822,802	26,825,043

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FOR INDIANA UNIVERSITY REGIONAL CAMPUSES EAST				Total Operating Expense	92,323,938	94,165,417	
Total Operating Expense	7,879,890	8,037,487		Fee Replacement	20,727,099	22,450,049	
Fee Replacement	2,038,168	2,001,956					
KOKOMO				TOTAL APPROPRIATIONS - IUPUI	218,445,956	224,391,792	
Total Operating Expense	10,326,734	10,533,269					
Fee Replacement	2,394,273	2,351,735		Transfers of allocations between campuses to correct for errors in allocation among the campuses of Indiana University can be made by the institution with the approval of the commission for higher education and the budget agency. Indiana University shall maintain current operations at all statewide medical education sites.			
NORTHWEST							
Total Operating Expense	17,706,917	17,856,970		FOR INDIANA UNIVERSITY			
Fee Replacement	4,316,246	4,239,561		ABILENE NETWORK			
SOUTH BEND				OPERATIONS CENTER			
Total Operating Expense	23,002,877	23,619,000		Total Operating Expense	833,852	850,529	
Fee Replacement	5,967,558	5,861,535		SPINAL CORD AND HEAD INJURY			
SOUTHEAST				RESEARCH CENTER			
Total Operating Expense	19,637,000	20,029,740		Total Operating Expense	525,021	535,521	
Fee Replacement	5,266,033	5,172,474		OPTOMETRY BOARD			
TOTAL APPROPRIATION - INDIANA UNIVERSITY REGIONAL CAMPUSES	98,535,696	99,703,727		EDUCATION FUND			
				Total Operating Expense	1,530	1,561	
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)				STATE DEPARTMENT			
HEALTH DIVISIONS				OF TOXICOLOGY			
Total Operating Expense	89,601,670	91,393,704		Total Operating Expense	656,939	670,078	
Fee Replacement	4,332,751	4,692,914		INSTITUTE FOR THE STUDY			
FOR INDIANA UNIVERSITY				OF DEVELOPMENTAL			
SCHOOL OF MEDICINE ON				DISABILITIES			
THE CAMPUS OF THE UNIVERSITY				Total Operating Expense	2,481,177	2,530,800	
OF SOUTHERN INDIANA				GEOLOGICAL SURVEY			
Total Operating Expense	1,512,954	1,543,213		Total Operating Expense	3,106,922	3,169,060	
THE CAMPUS OF INDIANA				INDUSTRIAL RESEARCH			
UNIVERSITY-PURDUE UNIVERSITY				LIAISON PROGRAM			
FORT WAYNE				Total Operating Expense	254,963	260,063	
Total Operating Expense	1,391,822	1,419,658		LOCAL GOVERNMENT			
THE CAMPUS OF				ADVISORY COMMISSION			
INDIANA UNIVERSITY-NORTHWEST				Total Operating Expense	56,628	57,761	
Total Operating Expense	1,977,273	2,016,819		LIFE SCIENCES INITIATIVE			
THE CAMPUS OF				Total Operating Expense	20,400,000	20,808,000	
PURDUE UNIVERSITY				SCHOOL OF EDUCATION			
Total Operating Expense	1,764,995	1,800,295		PATHWAYS PROGRAM			
THE CAMPUS OF BALL				Total Operating Expense	2,550,000	2,601,000	
STATE UNIVERSITY				REIMBURSEMENT OF			
Total Operating Expense	1,587,018	1,618,758		SCHOLARSHIP COSTS			
THE CAMPUS OF THE				Total Operating Expense	900,000	0	
UNIVERSITY OF NOTRE DAME				Indiana University shall report to the budget committee on the feasibility of creating a center for research on adult stem cells.			
Total Operating Expense	1,471,769	1,501,205					
THE CAMPUS OF INDIANA				FOR PURDUE UNIVERSITY			
STATE UNIVERSITY				WEST LAFAYETTE			
Total Operating Expense	1,754,667	1,789,761		Total Operating Expense	246,084,101	251,005,783	
The Indiana University School of Medicine - Indianapolis shall submit to the Indiana commission for higher education before May 15 of each year an accountability report containing data on the number of medical school graduates who entered primary care physician residencies in Indiana from the school's most recent graduating class.				Fee Replacement	23,928,533	28,131,118	
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)				FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES			
GENERAL ACADEMIC DIVISIONS				CALUMET			
				Total Operating Expense	27,118,194	27,660,558	
				Fee Replacement	1,549,834	1,493,233	
				NORTH CENTRAL			
				Total Operating Expense	10,950,537	11,325,613	
				Fee Replacement	0	88,962	

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
TOTAL APPROPRIATION - PURDUE UNIVERSITY REGIONAL CAMPUSES	39,618,565	40,479,404		ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES			
				Total Operating Expense	4,280,282	4,365,888	
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT FORT WAYNE (IPFW)				FOR VINCENNES UNIVERSITY			
Total Operating Expense	36,764,051	37,499,332		Total Operating Expense	37,131,232	37,873,857	
Fee Replacement	4,223,331	4,143,785		Fee Replacement	5,364,551	6,375,082	
Transfers of allocations between campuses to correct for errors in allocation among the campuses of Purdue University can be made by the institution with the approval of the commission for higher education and the budget agency.				FOR IVY TECH COMMUNITY COLLEGE			
FOR PURDUE UNIVERSITY ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM				Total Operating Expense	153,209,449	162,415,053	
Total Operating Expense	3,454,909	3,524,008		Fee Replacement	20,738,001	23,077,786	
The above appropriations shall be used to fund the animal disease diagnostic laboratory system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease testing service at West Lafayette, and the southern branch of ADDL Southern Indiana Purdue Agricultural Center (SIPAC) in Dubois County. The above appropriations are in addition to any user charges that may be established and collected under IC 15-2.1-5-6. Notwithstanding IC 15-2.1-5-5, the trustees of Purdue University may approve reasonable charges for testing for pseudorabies.				Of the above appropriations for IVY Tech total operating expense, \$135,000 each year shall be used for the Community Learning Center in Portage.			
STATEWIDE TECHNOLOGY				VALPO NURSING PARTNERSHIP			
Total Operating Expense	5,578,339	5,689,906		Total Operating Expense	100,635	102,648	
COUNTY AGRICULTURAL EXTENSION EDUCATORS				FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)			
Total Operating Expense	7,245,516	7,390,426		Total Operating Expense	4,780,342	4,875,949	
AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS				The above appropriations do not include funds for the course development grant program.			
Total Operating Expense	7,249,878	7,394,876		The sums herein appropriated to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, Ivy Tech Community College, and the Indiana Higher Education Telecommunications System (IHETS) are in addition to all income of said institutions and IHETS, respectively, from all permanent fees and endowments and from all land grants, fees, earnings, and receipts, including gifts, grants, bequests, and devises, and receipts from any miscellaneous sales from whatever source derived.			
CENTER FOR PARALYSIS RESEARCH				All such income and all such fees, earnings, and receipts on hand June 30, 2007, and all such income and fees, earnings, and receipts accruing thereafter are hereby appropriated to the boards of trustees or directors of the aforementioned institutions and IHETS and may be expended for any necessary expenses of the respective institutions and IHETS, including university hospitals, schools of medicine, nurses' training schools, schools of dentistry, and agricultural extension and experimental stations. However, such income, fees, earnings, and receipts may be used for land and structures only if approved by the governor and the budget agency.			
Total Operating Expense	523,347	533,814		The foregoing appropriations and allocations for fee replacement are for replacement of student fees deducted during the 2007-2009 biennium to cover bond or lease-purchase principal, interest, and other obligations of debt costs of facility construction and acquisition for those projects authorized by the general assembly. These fee replacement appropriations and allocations shall be allotted by the budget agency after receipt of verification of payment of such debt cost expense.			
UNIVERSITY-BASED BUSINESS ASSISTANCE				The foregoing appropriations to Indiana University, Purdue University, Indiana State University, University of Southern			
Total Operating Expense	1,122,729	1,145,184					
NORTH CENTRAL - VALPO NURSING PARTNERSHIP							
Total Operating Expense							
FOR INDIANA STATE UNIVERSITY							
Total Operating Expense	75,327,970	76,774,333					
Fee Replacement	9,465,483	9,479,684					
FOR UNIVERSITY OF SOUTHERN INDIANA							
Total Operating Expense	36,372,283	37,545,629					
Fee Replacement	9,488,222	11,706,740					
HISTORIC NEW HARMONY							
Total Operating Expense	565,184	576,488					
FOR BALL STATE UNIVERSITY							
Total Operating Expense	125,401,982	127,910,022					
Fee Replacement	12,408,664	12,194,555					

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
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<i>FY</i>	<i>FY</i>	<i>Biennial</i>
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<i>Appro.</i>	<i>Appro.</i>	

Indiana, Ball State University, Vincennes University, Ivy Tech Community College, and IHETS include the employers' share of Social Security payments for university and IHETS employees under the public employees' retirement fund, or institutions covered by the Indiana state teachers' retirement fund. The funds appropriated also include funding for the employers' share of payments to the public employees' retirement fund and to the Indiana state teachers' retirement fund at a rate to be established by the retirement funds for both fiscal years for each institution and for IHETS employees covered by these retirement plans.

The treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College shall, at the end of each three (3) month period, prepare and file with the auditor of state a financial statement that shall show in total all revenues received from any source, together with a consolidated statement of disbursements for the same period. The budget director shall establish the requirements for the form and substance of the reports.

The reports of the treasurer also shall contain in such form and in such detail as the governor and the budget agency may specify, complete information concerning receipts from all sources, together with any contracts, agreements, or arrangements with any federal agency, private foundation, corporation, or other entity from which such receipts accrue.

All such treasurers' reports are matters of public record and shall include without limitation a record of the purposes of any and all gifts and trusts with the sole exception of the names of those donors who request to remain anonymous.

Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College on the basis of vouchers stating the total amount claimed against each fund or account, or both, but not to exceed the legally made appropriations.

Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or in part by state funds, grant applications and lists of applications need only be submitted upon request to the budget agency for review and approval or disapproval and, unless disapproved by the budget agency, federal grant funds may be requested and spent without approval by the budget agency. Each institution shall retain the applications for a reasonable period of time and submit a list of all grant applications, at least monthly, to the commission for higher education for informational purposes.

For all university special appropriations, an itemized list of intended expenditures, in such form as the governor and the budget agency may specify, shall be submitted to support the allotment request. All budget requests for university special appropriations shall be furnished in a like manner and as a part of the operating budgets of the state universities.

The trustees of Indiana University, the trustees of Purdue University, the trustees of Indiana State University, the trustees of University of Southern Indiana, the trustees of Ball State University, the trustees of Vincennes University, the trustees of Ivy Tech Community College, and the directors of IHETS are hereby authorized to accept federal grants, subject to IC 4-12-1.

Fee replacement funds are to be distributed as requested by each institution, on payment due dates, subject to available appropriations.

If an early payment of an amount appropriated to any of the aforementioned institutions or IHETS is made in either state fiscal year of the biennium to eliminate an otherwise authorized payment delay to a later state fiscal year, the amount may be used only for the purposes approved by the budget agency after review by the budget committee.

**FOR THE MEDICAL
EDUCATION BOARD
FAMILY PRACTICE
RESIDENCY FUND**

Total Operating Expense	2,294,787	2,340,683
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Of the foregoing appropriations for the medical education board-family practice residency fund, \$1,000,000 each year shall be used for grants for the purpose of improving family practice residency programs serving medically underserved areas.

**FOR THE COMMISSION
FOR HIGHER EDUCATION**

Total Operating Expense	1,508,104	1,538,266
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Before October 31, 2007, the budget committee shall review the commission for higher education's research incentive funding formula.

**INDIANA CAREER AND
POSTSECONDARY
ADVANCEMENT CENTER**

Total Operating Expense	1	1
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**FOR THE DEPARTMENT
OF ADMINISTRATION**

**ANIMAL DISEASE DIAGNOSTIC
LABORATORY LEASE RENTAL**

Total Operating Expense	1,066,535	1,087,866
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**ANIMAL DISEASE DIAGNOSTIC
LABORATORY (BSL-3)**

LEASE RENTAL

Total Operating Expense	2,652,000	2,705,040
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COLUMBUS LEARNING CENTER

LEASE PAYMENT

Total Operating Expense	4,022,931	4,103,390
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**FOR THE STATE BUDGET AGENCY
GIGAPOP PROJECT**

Total Operating Expense	787,390	803,138
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SOUTH CENTRAL

EDUCATIONAL ALLIANCE

BEDFORD SERVICE AREA

Total Operating Expense	395,266	403,172
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**SOUTHEAST INDIANA
EDUCATION SERVICES**

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
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Total Operating Expense	695,226	709,130	
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The above appropriation for southeast Indiana education services may be expended with the approval of the budget agency after review by the commission for higher education.

DEGREE LINK

Total Operating Expense	541,465	552,294	
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The above appropriations shall be used for the delivery of Indiana State University baccalaureate degree programs at Ivy Tech Community College and Vincennes University locations through Degree Link. Distributions shall be made upon the recommendation of the Indiana commission for higher education and with approval by the budget agency after review by the budget committee.

WORKFORCE CENTERS

Total Operating Expense	905,732	923,847	
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MIDWEST HIGHER**EDUCATION COMMISSION**

Total Operating Expense	96,900	98,838	
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FOR THE STATE STUDENT ASSISTANCE COMMISSION

Total Operating Expense	1,306,618	1,332,750	
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FREEDOM OF CHOICE GRANTS

Total Operating Expense	47,573,703	48,525,177	
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HIGHER EDUCATION**AWARD PROGRAM**

Total Operating Expense	139,487,903	142,277,661	
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NURSING SCHOLARSHIP PROGRAM

Total Operating Expense	410,185	418,389	
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HOOSIER SCHOLAR PROGRAM

Total Operating Expense	408,000	416,160	
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For the higher education awards and freedom of choice grants made for the 2007-2009 biennium, the following guidelines shall be used, notwithstanding current administrative rule or practice:

(1) Financial Need: For purposes of these awards, financial need shall be limited to actual undergraduate tuition and fees for the prior academic year as established by the commission.

(2) Maximum Base Award: The maximum award shall not exceed the lesser of:

(A) eighty percent (80%) of actual prior academic year undergraduate tuition and fees; or

(B) eighty percent (80%) of the sum of the highest prior academic year undergraduate tuition and fees at any public institution of higher education and the lowest appropriation per full-time equivalent (FTE) undergraduate student at any public institution of higher education.

(3) Minimum Award: No actual award shall be less than \$200.

(4) Award Size: A student's maximum award shall be reduced one (1) time:

(A) for dependent students, by the expected contribution from parents based upon information submitted on the financial aid application form; and

(B) for independent students, by the expected contribution derived from information submitted on the financial aid application form.

(5) Award Adjustment: The maximum base award may be adjusted by the commission, for any eligible recipient who

fulfills college preparation requirements defined by the commission.

(6) Adjustment:

(A) If the dollar amounts of eligible awards exceed appropriations and program reserves, all awards may be adjusted by the commission by reducing the maximum award under subdivision (2)(A) or (2)(B).

(B) If appropriations and program reserves are sufficient and the maximum awards are not at the levels described in subdivision (2)(A) and (2)(B), all awards may be adjusted by the commission by proportionally increasing the awards to the maximum award under that subdivision so that parity between those maxima is maintained but not exceeded.

For the Hoosier scholar program for the 2007-2009 biennium, each award shall not exceed five hundred dollars (\$500) and shall be made available for one (1) year only. Receipt of this award shall not reduce any other award received under any state funded student assistance program.

STATUTORY FEE REMISSION

Total Operating Expense	20,553,902	20,964,980	
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PART-TIME STUDENT**GRANT DISTRIBUTION**

Total Operating Expense	5,355,000	5,462,100	
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Priority for awards made from the above appropriation shall be given first to eligible students meeting TANF income eligibility guidelines as determined by the family and social services administration and second to eligible students who received awards from the part time grant fund during the school year associated with the biennial budget year. Funds remaining shall be distributed according to procedures established by the commission. The maximum grant that an applicant may receive for a particular academic term shall be established by the commission but shall in no case be greater than a grant for which an applicant would be eligible under IC 20-12-21 if the applicant were a full-time student. The commission shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.

The family and social services administration, division of family resources shall apply all qualifying expenditures for the part time grant program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

CONTRACT FOR INSTRUCTIONAL OPPORTUNITIES IN SOUTHEASTERN INDIANA

Total Operating Expense	615,475	627,785	
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MINORITY TEACHER SCHOLARSHIP FUND

Total Operating Expense	407,763	415,919	
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COLLEGE WORK STUDY PROGRAM

Total Operating Expense	821,293	837,719	
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21ST CENTURY ADMINISTRATION

Total Operating Expense	2,061,420	2,102,648	
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21ST CENTURY

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

SCHOLAR AWARDS

Total Operating Expense	26,496,079	27,026,001
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Augmentation for 21st Century Scholar Awards allowed from the general fund.

The commission shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR 265.

Family and social services administration, division of family resources, shall apply all qualifying expenditures for the 21st century scholars program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.)

NATIONAL GUARD SCHOLARSHIP

Total Operating Expense	3,365,817	3,433,134
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The above appropriations for national guard scholarship and any program reserves existing on June 30, 2007, shall be the total allowable state expenditure for the program in the 2007-2009 biennium. If the dollar amounts of eligible awards exceed appropriations and program reserves, the state student assistance commission shall develop a plan to ensure that the total dollar amount does not exceed the above appropriations and any program reserves.

B. ELEMENTARY AND SECONDARY EDUCATION**FOR THE DEPARTMENT OF EDUCATION****STATE BOARD OF EDUCATION**

Total Operating Expense	3,152,112	3,152,112
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The foregoing appropriations for the Indiana state board of education are for the education roundtable established by IC 20-19-4; for the academic standards project to distribute copies of the academic standards and provide teachers with curriculum frameworks; for special evaluation and research projects including national and international assessments; and for state board and roundtable administrative expenses.

SUPERINTENDENT'S OFFICE

Personal Services	686,467	686,877
Other Operating Expense	1,439,160	1,437,682

PUBLIC TELEVISION DISTRIBUTION

Total Operating Expense	2,557,563	2,357,563
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These appropriations are for grants for public television. The Indiana Public Broadcasting Stations, Inc. shall submit a distribution plan for the eight Indiana public education television stations that shall be approved by the budget agency after review by the budget committee. The above appropriation includes the costs of transmission for the "GED-on-TV" program. Of the above appropriations, \$100,000 each year shall be distributed equally among the eight radio stations.

RESEARCH AND DEVELOPMENT PROGRAMS

Personal Services	86,958	86,959
Other Operating Expense	300,390	300,390

Of the foregoing appropriations for Research and Development Programs, up to \$140,000 each year is dedicated for the Center for Evaluation and Education Policy.

DEPUTY SUPERINTENDENT'S OFFICE

Personal Services	457,320	457,562
Other Operating Expense	92,839	92,603

RILEY HOSPITAL

Total Operating Expense	27,900	27,900
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BEST BUDDIES

Total Operating Expense	250,000	250,000
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ADMINISTRATION AND FINANCIAL MANAGEMENT

Personal Services	2,143,064	2,144,538
Other Operating Expense	298,207	296,808

MOTORCYCLE OPERATOR**SAFETY EDUCATION FUND****Safety Education Fund****(IC 20-30-13-11)**

Personal Services	132,303	132,397
Other Operating Expense	892,177	892,087

The foregoing appropriations for the motorcycle operator safety education fund are from the motorcycle operator safety education fund created by IC 20-30-13-11.

SCHOOL TRAFFIC SAFETY**Motor Vehicle Highway****Account (IC 8-14-1)**

Personal Services	242,813	242,989
Other Operating Expense	30,405	30,236

Augmentation allowed.**CENTER FOR SCHOOL****ASSESSMENT**

Personal Services	310,777	311,004
Other Operating Expense	706,025	705,800

ACCREDITATION SYSTEM

Personal Services	471,390	471,732
Other Operating Expense	489,547	489,210

SPECIAL EDUCATION (S-5)

Total Operating Expense	30,000,000	30,000,000
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The foregoing appropriations for special education are made under IC 20-35-6-2.

CENTER FOR COMMUNITY RELATIONS AND SPECIAL POPULATIONS

Personal Services	234,467	234,580
Other Operating Expense	78,988	78,879

SPECIAL EDUCATION EXCISE**Alcoholic Beverage Excise Tax****Funds (IC 20-35-4-4)**

Personal Services	344,177	344,351
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Augmentation allowed.**GED-ON-TV PROGRAM**

Other Operating Expense	229,500	229,500
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The foregoing appropriation is for grants to provide GED-ON-TV programming. The GED-ON-TV Program shall submit for review by the budget committee an annual

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
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<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

report on utilization of this appropriation.

VOCATIONAL EDUCATION

Personal Services	1,318,379	1,319,338
Other Operating Expense	40,532	39,599

ADVANCED PLACEMENT PROGRAM

Other Operating Expense	894,400	894,400
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The above appropriations for the Advanced Placement program are to provide funding for students of accredited public and nonpublic schools.

PSAT PROGRAM

Other Operating Expense	717,449	717,449
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The above appropriations for the PSAT program are to provide funding for students of accredited public and nonpublic schools.

CENTER FOR SCHOOL IMPROVEMENT AND PERFORMANCE

Personal Services	1,701,420	1,701,447
Other Operating Expense	978,089	978,089

PRINCIPAL LEADERSHIP ACADEMY

Personal Services	320,628	320,632
Other Operating Expense	142,204	142,204

EDUCATION SERVICE CENTERS

Total Operating Expense	1,721,287	1,721,287
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No appropriation made for an education service center shall be distributed to the administering school corporation of the center unless each participating school corporation of the center contracts to pay to the center at least three dollars (\$3) per student for fiscal year 2007-2008 based on the school corporation's ADM count as reported for school aid distribution in the fall of 2006, and at least three dollars (\$3) per student for fiscal year 2008-2009, based on the school corporation's ADM count as reported for school aid distribution beginning in the fall of 2007. Before notification of education service centers of the formula and components of the formula for distributing funds for education service centers, review and approval of the formula and components must be made by the budget agency.

TRANSFER TUITION (STATE EMPLOYEES' CHILDREN AND ELIGIBLE CHILDREN IN MENTAL HEALTH FACILITIES)

Total Operating Expense	50,000	50,000
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The foregoing appropriations for transfer tuition (state employees' children and eligible children in mental health facilities) are made under IC 20-26-11-10 and IC 20-26-11-8.

TEACHERS' SOCIAL SECURITY AND RETIREMENT DISTRIBUTION

Total Operating Expense	2,403,792	2,403,792
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The foregoing appropriations shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area vocational schools, and other governmental entities that received state teachers' Social

Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for the units under the Indiana state teacher's retirement fund, the amount they received during the 2002-2003 state fiscal year for teachers' retirement. If the total amount to be distributed is greater than the total appropriation, the department of education shall reduce each entity's distribution proportionately.

DISTRIBUTION FOR TUITION SUPPORT

General Fund

Total Operating Expense	2,165,440,147	2,223,685,270
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Property Tax Replacement Fund (IC 6-1.1-21)

Total Operating Expense	1,717,564,666	1,775,809,790
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The foregoing appropriations for distribution for tuition support are to be distributed for tuition support, special education programs, vocational education programs, honors grants, and the primetime program in accordance with a statute enacted for this purpose during the 2005 session of the general assembly.

If the above appropriations for distribution for tuition support are more than are required under this SECTION, one-half (½) of any excess shall revert to the general fund and one-half (½) of any excess shall revert to the property tax replacement fund.

The above appropriations for tuition support shall be made each calendar year under a schedule set by the budget agency and approved by the governor. However, the schedule shall provide for at least twelve (12) payments, that one (1) payment shall be made at least every forty (40) days, and the aggregate of the payments in each calendar year shall equal the amount required under the statute enacted for the purpose referred to above.

DISTRIBUTION FOR SUMMER SCHOOL

Other Operating Expense	18,360,000	18,360,000
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It is the intent of the 2007 general assembly that the above appropriations for summer school shall be the total allowable state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

EARLY INTERVENTION PROGRAM

Personal Services	13,000	13,000
Other Operating Expense	3,707,000	3,707,000

The above appropriations for the early intervention program are for grants to local school corporations for grant proposals for early intervention programs, including reading recovery and the Waterford method.

READING DIAGNOSTIC ASSESSMENT

	<i>FY</i>	<i>FY</i>	<i>Biennial</i>
	<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
	<i>Appro.</i>	<i>Appro.</i>	

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	<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
	<i>Appro.</i>	<i>Appro.</i>	

Total Operating Expense	1,000,000	1,000,000	
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The foregoing appropriations shall be used by the department for the reading diagnostic assessment and subsequent remedial programs or activities. The reading diagnostic assessment program, as approved by the board, is to be made available on a voluntary basis to all Indiana public and non-public school first and second grade students upon the approval of the governing body of school corporations. The board shall determine how the funds will be distributed for the assessment and related remediation. The department or its representative shall provide progress reports on the assessment as requested by the board and the education roundtable.

ADULT EDUCATION DISTRIBUTION

Total Operating Expense	14,000,000	14,000,000	
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It is the intent of the 2007 general assembly that the above appropriations for adult education shall be the total allowable state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for a state fiscal year, the department of education shall reduce the distributions proportionately.

NATIONAL SCHOOL LUNCH PROGRAM

Total Operating Expense	5,400,000	5,400,000	
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MARION COUNTY DESEGREGATION COURT ORDER

Total Operating Expense	18,200,000	18,200,000	
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The foregoing appropriations for court ordered desegregation costs are made pursuant to order No. IP 68-C-225-S of the United States District Court for the Southern District of Indiana. If the sums herein appropriated are insufficient to enable the state to meet its obligations, then there are hereby appropriated from the state general fund such further sums as may be necessary for such purpose.

TEXTBOOK REIMBURSEMENT

Total Operating Expense	37,014,402	40,809,194	
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Before a school corporation or an accredited non-public school may receive a distribution under the textbook reimbursement program, the school corporation or accredited non-public school shall provide to the department the requirements established in IC 20-33-5-2. The department shall provide to the family and social services administration (FSSA) all data required for FSSA to meet the data collection reporting requirement in 45 CFR 265. Family and social services administration, division of family resources, shall apply all qualifying expenditures for the textbook reimbursement program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

The foregoing appropriations for textbook reimbursement include the appropriation of the common school fund interest balance. The remainder of the above appropriations are provided from the state general fund.

FULL DAY KINDERGARTEN

Total Operating Expense	57,500,000	103,500,000	
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TESTING

Other Operating Expense	22,000,000	22,000,000	
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REMEDATION

Other Operating Expense	29,918,503	29,947,334	
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Prior to notification of local school corporations of the formula and components of the formula for distributing funds for remediation, review and approval of the formula and components shall be made by the budget agency. With the approval of the governor and the budget agency, the above appropriations for school assessment testing and remediation may be augmented from revenues accruing to the secondary market sale fund established by IC 20-12-21.2-10.

The above appropriation for testing and remediation shall be used by school corporations to provide remediation programs for students who attend public and nonpublic schools. For purposes of tuition support, these students are not to be counted in the average daily membership.

GRADUATION EXAM REMEDATION

Other Operating Expense	4,958,910	4,958,910	
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Prior to notification of local school corporations of the formula and components of the formula for distributing funds for graduation exam remediation, review and approval of the formula and components shall be made by the budget agency. With the approval of the governor and the budget agency, the above appropriations for school assessment testing/remediation may be augmented from revenues accruing to the secondary market sale fund established by IC 20-12-21.2-10.

SPECIAL EDUCATION PRESCHOOL

Total Operating Expense	27,173,300	27,173,300	
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The above appropriations shall be distributed to guarantee a minimum of \$2,750 per child enrolled in special education preschool programs from state and local sources in school corporations that levy the maximum special education tax rate for this purpose. It is the intent of the 2007 general assembly that the above appropriations for special education preschool shall be the total allowable expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

NON-ENGLISH SPEAKING PROGRAM

Other Operating Expense	6,929,246	6,965,055	
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The above appropriations for the non-English speaking program are for pupils who have a primary language other than English and limited English proficiency, as determined by using a standard proficiency examination that has been approved by the department of education.

The grant amount is two hundred dollars (\$200) per pupil.

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<i>Appro.</i>	<i>Appro.</i>	

It is the intent of the 2007 general assembly that the above appropriations for the non-English speaking program shall be the total allowable state expenditure for the program. If the expected distributions are anticipated to exceed the total appropriations for the state fiscal year, the department of education shall reduce each school corporation's distribution proportionately.

GIFTED AND TALENTED EDUCATION PROGRAM

Personal Services	211,199	211,348
Other Operating Expense	5,625,138	5,624,992

DISTRIBUTION FOR ADULT VOCATIONAL EDUCATION

Total Operating Expense	250,000	250,000
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The distribution for adult vocational education programs shall be made in accordance with the state plan for vocational education.

PRIMETIME

Personal Services	172,564	172,566
Other Operating Expense	34,467	34,467

DRUG FREE SCHOOLS

Personal Services	52,360	52,361
Other Operating Expense	20,093	20,093

PROFESSIONAL DEVELOPMENT DISTRIBUTION

Other Operating Expense	13,812,500	13,812,500
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The foregoing appropriations for professional development distributions include schools defined under IC 20-31-2-8.

ALTERNATIVE SCHOOLS

Total Operating Expense	6,380,059	6,380,319
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EDUCATIONAL TECHNOLOGY PROGRAM AND FUND (INCLUDING 4R'S TECHNOLOGY GRANT PROGRAM)

Total Operating Expense	2,109,031	2,109,036
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Of the foregoing appropriations, \$825,000 shall be allocated to the buddy system each state fiscal year during the biennium. The remaining amounts shall be allocated for technology programs and resources for kindergarten through twelfth grade, and the operation of the office of the special assistant to the superintendent of public instruction for technology.

TECHNOLOGY PLAN GRANT PROGRAM (IC 20-20-13)

Total Operating Expense		5,000,000
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Notwithstanding IC 20-20-13-17, the department of education may adjust the grant amount to reflect available funding.

PROFESSIONAL STANDARDS DIVISION

General Fund

Personal Services	1,053,602	1,054,199
Other Operating Expense	262,900	1,762,303

Professional Standards Board

Licensing Fund

Total Operating Expense	2,400,000	900,000
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Augmentation allowed.

The above appropriations for the Professional Standards Division do not include funds to pay stipends for mentor teachers.

FOR THE INDIANA STATE TEACHERS' RETIREMENT FUND

POSTRETIREMENT PENSION INCREASES

Other Operating Expense	52,784,909	55,952,004
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The appropriations for postretirement pension increases are made for those benefits and adjustments provided in IC 5-10.4 and IC 5-10.2-5.

TEACHERS' RETIREMENT FUND DISTRIBUTION

Other Operating Expense	568,372,000	602,474,320
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Augmentation allowed.

If the amount actually required under the pre-1996 account of the teachers' retirement fund for actual benefits for the Post Retirement Pension Increases that are funded on a "pay as you go" basis plus the base benefits under the pre-1996 account of the teachers' retirement fund is:

(1) greater than the above appropriations for a year, after notice to the governor and the budget agency of the deficiency, the above appropriation for the year shall be augmented from the general fund. Any augmentation shall be included in the required pension stabilization calculation under IC 5-10.4; or

(2) less than the above appropriations for a year, the excess shall be retained in the general fund. The portion of the benefit funded by the annuity account and the actuarially funded Post Retirement Pension Increases shall not be part of this calculation.

C. OTHER EDUCATION

FOR THE EDUCATION EMPLOYMENT RELATIONS BOARD

Personal Services	617,646	617,646
Other Operating Expense	68,940	68,940

PUBLIC EMPLOYEE RELATIONS BOARD

Total Operating Expense	32,550	32,550
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FOR THE STATE LIBRARY

Personal Services	2,867,740	2,869,750
Other Operating Expense	729,954	729,954

LIBRARY SERVICES FOR THE BLIND -

ELECTRONIC NEWSLINES

Other Operating Expense	20,000	20,000
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DISTRIBUTION TO PUBLIC LIBRARIES

Other Operating Expense	607,936	607,936
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The foregoing appropriations for distribution to public libraries shall be distributed among the public libraries of the state of Indiana under IC 4-23-7.1. However, a public

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library district that does not provide for the issuance of library cards free of charge or for a fee to all individuals who reside in the county in which that public library district is located shall not be considered an eligible public library district in determining the amounts to be distributed under IC 4-23-7.1 and is not entitled to a distribution under IC 4-23-7.1.

**INDIANA COOPERATIVE LIBRARY
SERVICES AUTHORITY**

Total Operating Expense	2,408,848	2,408,848
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ACADEMY OF SCIENCE

Total Operating Expense	8,811	8,811
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FOR THE ARTS COMMISSION

Personal Services	406,217	406,217
Other Operating Expense	2,971,742	2,971,742

**INDIANA ARTS COMMISSION
TRUST FUND**

Total Operating Expense	1,250,000
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The foregoing appropriation to the Indiana arts commission trust fund is to provide grants under IC 4-23-2.5 to:

- (1) the arts organizations that have most recently qualified for general operating support as major arts organizations as determined by the Indiana arts commission; and
- (2) the significant regional organizations that have most recently qualified for general operating support as mid-major arts organizations, as determined by the Indiana arts commission and its regional re-granting partners.

The money appropriated to the Indiana arts commission trust fund does not revert to the state general fund at the close of any state fiscal year but remains available to the Indiana arts commission until the purpose for which it was appropriated is fulfilled.

FOR THE HISTORICAL BUREAU

Personal Services	392,583	392,583
Other Operating Expense	6,875	6,875

HISTORICAL MARKER PROGRAM

Total Operating Expense	31,898
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**FOR THE COMMISSION ON
PROPRIETARY EDUCATION**

Personal Services	447,806	448,129
Other Operating Expense	6,865	6,865

SECTION 10. [EFFECTIVE JULY 1, 2007]

DISTRIBUTIONS

**FOR THE PROPERTY TAX
REPLACEMENT FUND BOARD**

Property Tax Replacement Fund (IC 6-1.1-21)		
Total Operating Expense	2,082,509,197	2,143,509,197

Notwithstanding IC 6-1.1-21, the foregoing appropriations (less the amount set aside for child services (as defined in IC 12-19-7-1) are the maximum amount that may be distributed. If the amount determined under IC 6-1.1-21 exceeds the amount appropriated, the board shall reduce the credit percentages proportionately so that the

distributions equal the appropriation.

The above appropriation for the state fiscal year beginning July 1, 2007, and ending June 30, 2008, includes an amount equal to the amount that: (1) is necessary to pay the cost of child services (as defined in IC 12-19-7-1) provided in the period beginning January 1, 2008, and ending June 30, 2008; (2) is not paid from other sources of revenue; and (3) exceeds fifty percent (50%) of the lesser of the costs payable from property taxes (including cash balances the proceeds of bonds or loans payable from property taxes) incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2005 or the costs incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2007, as determined by the department of child services.

The above appropriation for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, includes an amount equal to the amount that: (1) is necessary to pay the cost of child services (as defined in IC 12-19-7-1) provided in the period beginning July 1, 2008, and ending December 31, 2008; (2) is not paid from other sources of revenue; and (3) exceeds fifty percent (50%) of the lesser of the costs incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2005 or the costs payable from property taxes (including cash balances the proceeds of bonds or loans payable from property taxes) incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2007, as determined by the department of child services, and an amount equal to the amount that: (1) is necessary to pay the cost of child services (as defined in IC 12-19-7-1) provided in the period beginning January 1, 2009, and ending June 30, 2009; (2) is not paid from other sources of revenue; and (3) exceeds fifty percent (50%) of the lesser of the costs incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2005 or the costs incurred by each county for child services (as defined in IC 12-19-7-1) provided in 2007, as determined by the department of child services.

In addition to the purposes for the property tax replacement fund specified in IC 6-1.1-21, the property tax replacement fund board shall in each state fiscal year transfer from the state property tax replacement fund to the state general fund for use by the department of child services the amounts needed to pay the costs of child services (as defined in IC 12-19-7-1) that are payable from the above appropriation. Notwithstanding IC 4-13-2-20, the department of child services shall distribute to each county the amount needed by that county to pay the costs of child services (as defined in IC 12-19-7-1) that are payable from the above appropriation on a schedule that permits the county to pay claims for child services (as defined in IC 12-19-7-1) as they become due without issuing bonds or entering into a loan to raise necessary funds. If the amount available from the property tax replacement fund is insufficient to expend the total amount appropriated from the property tax replacement fund, the amount of any deficiency attributable to the costs of child services (as defined in IC 12-19-7-1) that are payable from the above appropriation shall be paid from the state general fund in the manner provided by IC 6-1.1-21-4 for other deficiencies related to the property tax replacement fund. Notwithstanding any other law, the budget agency may not transfer the appropriation for child services (as defined in IC 12-19-7-1) to any other purpose or withhold or reduce an

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

allotment related to the distribution for child services (as defined in IC 12-19-7-1). The county shall use the money distributed under this paragraph for payments of child services (as defined in IC 12-19-7-1). The money distributed shall be treated as if the money were property taxes and shall be used to reduce the property tax levy that would otherwise be imposed under IC 12-19-7-4.

SECTION 11. [EFFECTIVE JULY 1, 2007]

The following allocations of federal funds are available for vocational and technical education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301, et seq. for Vocational and Technical Education) (20 U.S.C. 2371 for Tech Prep Education). These funds shall be received by the department of workforce development, commission on vocational and technical education, and shall be allocated by the budget agency after consultation with the commission on vocational and technical education, the department of education, the commission for higher education, and the department of correction. Funds shall be allocated to these agencies in accordance with the allocations specified below:

STATE PROGRAMS AND LEADERSHIP

2,655,188	2,655,188
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SECONDARY VOCATIONAL PROGRAMS

14,878,845	14,878,845
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POSTSECONDARY VOCATIONAL PROGRAMS

8,522,925	8,522,925
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TECHNOLOGY - PREPARATION EDUCATION

2,465,494	2,465,494
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SECTION 12. [EFFECTIVE JULY 1, 2007]

In accordance with IC 22-4.1-13, the budget agency, with the advice of the commission on vocational and technical education and the budget committee, may augment or reduce an allocation of federal funds made under SECTION 11 of this act.

SECTION 13. [EFFECTIVE JULY 1, 2007]

Utility bills for the month of June, travel claims covering the period June 16 to June 30, payroll for the period of the last half of June, any interdepartmental bills for supplies or services for the month of June, and any other miscellaneous expenses incurred during the period June 16 to June 30 shall be charged to the appropriation for the succeeding year. No interdepartmental bill shall be recorded as a refund of expenditure to any current year allotment account for supplies or services rendered or delivered at any time during the preceding June period.

SECTION 14. [EFFECTIVE JULY 1, 2007]

The budget agency, under IC 4-10-11, IC 4-12-1-13, and IC 4-13-1, in cooperation with the Indiana department of administration, may fix the amount of reimbursement for traveling expenses (other than transportation) for travel within the limits of Indiana. This amount may not exceed actual lodging and miscellaneous expenses incurred. A

person in travel status, as defined by the state travel policies and procedures established by the Indiana department of administration and the budget agency, is entitled to a meal allowance not to exceed during any twenty-four (24) hour period the standard meal allowances established by the federal Internal Revenue Service.

All appropriations provided by this act or any other statute, for traveling and hotel expenses for any department, officer, agent, employee, person, trustee, or commissioner, are to be used only for travel within the state of Indiana, unless those expenses are incurred in traveling outside the state of Indiana on trips that previously have received approval as required by the state travel policies and procedures established by the Indiana department of administration and the budget agency. With the required approval, a reimbursement for out-of-state travel expenses may be granted in an amount not to exceed actual lodging and miscellaneous expenses incurred. A person in travel status is entitled to a meal allowance not to exceed during any twenty-four (24) hour period the standard meal allowances established by the federal Internal Revenue Service for properly approved travel within the continental United States and a minimum of \$50 during any twenty-four (24) hour period for properly approved travel outside the continental United States. However, while traveling in Japan, the minimum meal allowance shall not be less than \$90 for any twenty-four (24) hour period. While traveling in Korea and Taiwan, the minimum meal allowance shall not be less than \$85 for any twenty-four (24) hour period; while traveling in Singapore, China, Great Britain, Germany, the Netherlands, and France, the minimum meal allowance shall not be less than \$65 for any twenty-four (24) hour period.

In the case of the state supported institutions of postsecondary education, approval for out-of-state travel may be given by the chief executive officer of the institution, or the chief executive officer's authorized designee, for the chief executive officer's respective personnel.

Before reimbursing overnight travel expenses, the auditor of state shall require documentation as prescribed in the state travel policies and procedures established by the Indiana department of administration and the budget agency. No appropriation from any fund may be construed as authorizing the payment of any sum in excess of the standard mileage rates for personally owned transportation equipment established by the federal Internal Revenue Service when used in the discharge of state business. The Indiana department of administration and the budget agency may adopt policies and procedures relative to the reimbursement of travel and moving expenses of new state employees and the reimbursement of travel expenses of prospective employees who are invited to interview with the state.

SECTION 15. [EFFECTIVE JULY 1, 2007]

Notwithstanding IC 4-10-11-2.1, the salary per diem of members of boards, commissions, and councils who are entitled to a salary per diem is \$50 per day. However, members of boards, commissions, or councils who receive an annual or a monthly salary paid by the state are not entitled to the salary per diem provided in IC 4-10-11-2.1.

SECTION 16. [EFFECTIVE JULY 1, 2007]

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-09</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

No payment for personal services shall be made by the auditor of state unless the payment has been approved by the budget agency or the designee of the budget agency.

SECTION 17. [EFFECTIVE JULY 1, 2007]

No warrant for operating expenses, capital outlay, or fixed charges shall be issued to any department or an institution unless the receipts of the department or institution have been deposited into the state treasury for the month. However, if a department or an institution has more than \$10,000 in daily receipts, the receipts shall be deposited into the state treasury daily.

SECTION 18. [EFFECTIVE JULY 1, 2007]

In case of loss by fire or any other cause involving any state institution or department, the proceeds derived from the settlement of any claim for the loss shall be deposited in the state treasury, and the amount deposited is hereby reappropriated to the institution or department for the purpose of replacing the loss. If it is determined that the loss shall not be replaced, any funds received from the settlement of a claim shall be deposited into the general fund.

SECTION 19. [EFFECTIVE JULY 1, 2007]

If an agency has computer equipment in excess of the needs of that agency, then the excess computer equipment may be sold under the provisions of surplus property sales, and the proceeds of the sale or sales shall be deposited in the state treasury. The amount so deposited is hereby reappropriated to that agency for other operating expenses of the then current year, if approved by the director of the budget agency.

SECTION 20. [EFFECTIVE JULY 1, 2007]

If any state penal or benevolent institution other than the Indiana state prison, Pendleton correctional facility, or Putnamville correctional facility shall, in the operation of its farms, produce products, or commodities in excess of the needs of the institution, the surplus may be sold through the division of industries and farms, the director of the supply division of the Indiana department of administration, or both. The proceeds of any such sale or sales shall be deposited in the state treasury. The amount deposited is hereby reappropriated to the institution for expenses of the then current year if approved by the director of the budget agency. The exchange between state penal and benevolent institutions of livestock for breeding purposes only is hereby authorized at valuations agreed upon between the superintendents or wardens of the institutions. Capital outlay expenditures may be made from the institutional industries and farms revolving fund if approved by the budget agency and the governor.

SECTION 21. [EFFECTIVE JULY 1, 2007]

This act does not authorize any rehabilitation and repairs to any state buildings, nor does it allow that any obligations be incurred for lands and structures, without the prior approval of the budget director or the director's designee. This SECTION does not apply to contracts for the state universities supported in whole or in part by state funds.

SECTION 22. [EFFECTIVE JULY 1, 2007]

If an agency has an annual appropriation fixed by law, and if the agency also receives an appropriation in this act for the same function or program, the appropriation in this act supersedes any other appropriations and is the total appropriation for the agency for that program or function.

SECTION 23. [EFFECTIVE JULY 1, 2007]

The balance of any appropriation or funds heretofore placed or remaining to the credit of any division of the state of Indiana, and any appropriation or funds provided in this act placed to the credit of any division of the state of Indiana, the powers, duties, and functions whereof are assigned and transferred to any department for salaries, maintenance, operation, construction, or other expenses in the exercise of such powers, duties, and functions, shall be transferred to the credit of the department to which such assignment and transfer is made, and the same shall be available for the objects and purposes for which appropriated originally.

SECTION 24. [EFFECTIVE JULY 1, 2007]

The director of the division of procurement of the Indiana department of administration, or any other person or agency authorized to make purchases of equipment, shall not honor any requisition for the purchase of an automobile that is to be paid for from any appropriation made by this act or any other act, unless the following facts are shown to the satisfaction of the commissioner of the Indiana department of administration or the commissioner's designee:

- (1) In the case of an elected state officer, it shall be shown that the duties of the office require driving about the state of Indiana in the performance of official duty.
- (2) In the case of department or commission heads, it shall be shown that the statutory duties imposed in the discharge of the office require traveling a greater distance than one thousand (1,000) miles each month or that they are subject to official duty call at all times.
- (3) In the case of employees, it shall be shown that the major portion of the duties assigned to the employee require travel on state business in excess of one thousand (1,000) miles each month, or that the vehicle is identified by the agency as an integral part of the job assignment. In computing the number of miles required to be driven by a department head or an employee, the distance between the individual's home and office or designated official station is not to be considered as a part of the total. Department heads shall annually submit justification for the continued assignment of each vehicle in their department, which shall be reviewed by the commissioner of the Indiana department of administration, or the commissioner's designee. There shall be an insignia permanently affixed on each side of all state owned cars, designating the cars as being state owned. However, this requirement does not apply to state owned cars driven by elected state officials or to cases where the commissioner of the Indiana department of administration or the commissioner's designee determines that affixing insignia on state owned cars would hinder or handicap the persons driving the cars in the performance of their official duties.

SECTION 25. [EFFECTIVE JULY 1, 2007]

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
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<i>Appro.</i>	<i>Appro.</i>	

<i>FY</i>	<i>FY</i>	<i>Biennial</i>
<i>2007-08</i>	<i>2008-08</i>	<i>Appro.</i>
<i>Appro.</i>	<i>Appro.</i>	

When budget agency approval or review is required under this act, the budget agency may refer to the budget committee any budgetary or fiscal matter for an advisory recommendation. The budget committee may hold hearings and take any actions authorized by IC 4-12-1-11, and may make an advisory recommendation to the budget agency.

SECTION 26. [EFFECTIVE JULY 1, 2007]

The governor of the state of Indiana is solely authorized to accept on behalf of the state any and all federal funds available to the state of Indiana. Federal funds received under this SECTION are appropriated for purposes specified by the federal government, subject to allotment by the budget agency. The provisions of this SECTION and all other SECTIONS concerning the acceptance, disbursement, review, and approval of any grant, loan, or gift made by the federal government or any other source to the state or its agencies and political subdivisions shall apply, notwithstanding any other law.

SECTION 27. [EFFECTIVE JULY 1, 2007]

Federal funds received as revenue by a state agency or department are not available to the agency or department for expenditure until allotment has been made by the budget agency under IC 4-12-1-12(d).

SECTION 28. [EFFECTIVE JULY 1, 2007]

A contract or an agreement for personal services or other services may not be entered into by any agency or department of state government without the approval of the budget agency or the designee of the budget director.

SECTION 29. [EFFECTIVE JULY 1, 2007]

Except in those cases where a specific appropriation has been made to cover the payments for any of the following, the auditor of state shall transfer, from the personal services appropriations for each of the various agencies and departments, necessary payments for Social Security, public employees' retirement, health insurance, life insurance, and any other similar payments directed by the budget agency.

SECTION 30. [EFFECTIVE JULY 1, 2007]

Subject to SECTION 25 of this act as it relates to the budget committee, the budget agency with the approval of the governor may withhold allotments of any or all appropriations contained in this act for the 2007-2009 biennium, if it is considered necessary to do so in order to prevent a deficit financial situation.

SECTION 31. [EFFECTIVE JULY 1, 2006 (RETROACTIVE)]

The following deficiency appropriation for the state fiscal year beginning July 1, 2006, and ending June 30, 2007, is made in addition to the appropriations in P.L.246-2005, SECTION 9:

FOR THE DEPARTMENT
OF EDUCATION
DISTRIBUTION FOR
TUITION SUPPORT

General Fund

Total Operating Expense	56,100,000
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The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by the state board of finance, notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23, or by the budget agency, notwithstanding IC 4-12-1-12, or any other law.

SECTION 32. [EFFECTIVE JULY 1, 2007]

CONSTRUCTION

For the 2007-2009 biennium, the following amounts, from the funds listed as follows, are hereby appropriated to provide for the construction, reconstruction, rehabilitation, repair, purchase, rental, and sale of state properties, capital lease rentals and the purchase and sale of land, including equipment for such properties.

State General Fund - Lease Rentals	192,901,910
State General Fund - Construction	264,389,919
State Police Building Commission Fund (IC 9-29-1-4)	6,200,000
Law Enforcement Academy Building Fund (IC 5-2-1-13)	1,319,300
Cigarette Tax Fund (IC 6-7-1-29.1)	3,600,000
Veterans' Home Building Fund (IC 10-17-9-7)	5,269,167
Postwar Construction Fund (IC 7.1-4-8-1)	29,560,000
Regional Health Care Construction Account (IC 4-12-8.5)	11,964,998
TOTAL	515,205,294

The allocations provided under this SECTION are made from the state general fund, unless specifically authorized from other designated funds by this act. The budget agency, with the approval of the governor, in approving the allocation of funds pursuant to this SECTION, shall consider, as funds are available, allocations for the following specific uses, purposes, and projects:

A. GENERAL GOVERNMENT

FOR THE HOUSE OF REPRESENTATIVES

Repair and Rehabilitation	425,000
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FOR THE SENATE

Senate Renovation	1,500,000
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FOR THE STATE BUDGET AGENCY

Health and safety contingency	5,000,000
Aviation Technology Center	2,428,284
Airport Facilities Lease	52,991,552

DEPARTMENT OF ADMINISTRATION - PROJECTS

Preventive Maintenance	6,691,790
Repair and Rehabilitation	13,905,000

DEPARTMENT OF ADMINISTRATION - LEASES

General Fund	
Lease - Government Center North	24,111,955

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
Lease - Government Center South		29,631,910		Preventive Maintenance		350,388	
Lease -State Museum		15,234,934		PUTNAMVILLE CORRECTIONAL FACILITY			
Lease -McCarty Street Warehouse		1,458,200		Preventive Maintenance		864,822	
Lease -Parking Garages		10,061,358		Postwar Construction Fund (IC 7.1-4-8-1)			
Lease -Toxicology Lab		11,070,106		Central Water Softener System		300,000	
Lease -Wabash Valley Correctional		26,229,390		Repair and Rehabilitation		140,000	
Lease -Rockville Correctional		11,040,071		PLAINFIELD EDUCATION RE-ENTRY FACILITY			
Lease -Miami Correctional		30,570,823		Preventive Maintenance		322,804	
Lease -Pendleton Juvenile Correctional		10,064,168		INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY			
Lease -New Castle Correctional		23,428,995		Preventive Maintenance		395,510	
Regional Health Care Construction Account (IC 4-12-8.5)				Postwar Construction Fund (IC 7.1-4-8-1)			
Lease -Evansville State Hospital		3,284,468		Repair and Rehabilitation		100,000	
Lease -Southeast Regional Treatment		5,297,588		BRANCHVILLE CORRECTIONAL FACILITY			
Lease -Logansport State Hospital		3,382,942		Preventive Maintenance		272,932	
B. PUBLIC SAFETY				Postwar Construction Fund (IC 7.1-4-8-1)			
(1) LAW ENFORCEMENT				Education building addition		1,800,000	
INDIANA STATE POLICE				WESTVILLE CORRECTIONAL FACILITY			
State Police Building Commission Fund (IC 9-29-1-4)				Preventive Maintenance		806,330	
Preventive Maintenance		1,015,000		Postwar Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation		5,185,000		Repair and Rehabilitation		3,500,000	
LAW ENFORCEMENT TRAINING BOARD				ROCKVILLE CORRECTIONAL FACILITY			
Law Enforcement Academy Building Fund (IC 5-2-1-13)				Preventive Maintenance		357,296	
Preventive Maintenance		936,000		PLAINFIELD CORRECTIONAL FACILITY			
Repair and Rehabilitation		383,300		Preventive Maintenance		663,704	
ADJUTANT GENERAL				Postwar Construction Fund (IC 7.1-4-8-1)			
Preventive Maintenance		250,000		Steam distribution center		12,000,000	
Repair and Rehabilitation		1,650,000		Repair and Rehabilitation		420,000	
(2) CORRECTIONS				RECEPTION-DIAGNOSTIC CENTER			
DEPARTMENT OF CORRECTION - PROJECTS				Preventive Maintenance		214,464	
Postwar Construction Fund (IC 7.1-4-8-1)				Postwar Construction Fund (IC 7.1-4-8-1)			
Environmental Response		150,000		Fire egress stairwell		400,000	
Repair and Rehabilitation		200,000		CORRECTIONAL INDUSTRIAL FACILITY			
CORRECTIONAL UNITS				Preventive Maintenance		584,172	
Preventive Maintenance		1,515,598		Postwar Construction Fund (IC 7.1-4-8-1)			
Postwar Construction Fund (IC 7.1-4-8-1)				Repair and Rehabilitation		750,000	
Administration/Program Bldg.-Henryville		100,000		WORK RELEASE CENTERS			
Repair and Rehabilitation		400,000		Preventive Maintenance		76,828	
STATE PRISON				WABASH VALLEY CORRECTIONAL FACILITY			
Preventive Maintenance		954,492		Preventive Maintenance		608,820	
Postwar Construction Fund (IC 7.1-4-8-1)				Postwar Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation		5,200,000		Repair and Rehabilitation		2,800,000	
PENDLETON CORRECTIONAL FACILITY				MIAMI CORRECTIONAL FACILITY			
Preventive Maintenance		1,257,064		Preventive Maintenance		664,560	
Postwar Construction Fund (IC 7.1-4-8-1)				PENDLETON JUVENILE CORRECTIONAL FACILITY			
Repair and Rehabilitation		1,200,000		Preventive Maintenance		228,738	
WOMEN'S PRISON							
Preventive Maintenance		538,832		C. CONSERVATION AND ENVIRONMENT			
Postwar Construction Fund (IC 7.1-4-8-1)							
Repair and Rehabilitation		100,000					
NEW CASTLE CORRECTIONAL FACILITY							

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DEPARTMENT OF NATURAL RESOURCES - GENERAL ADMINISTRATION				improvements program of the Indiana department of transportation and with the approval of the governor and the budget agency.			
Preventive Maintenance		300,000		E. FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS			
Repair and Rehabilitation		1,500,000		(1) FAMILY AND SOCIAL SERVICES ADMINISTRATION			
FISH AND WILDLIFE				FSSA CONSTRUCTION			
Preventive Maintenance		2,000,000		Repair and Rehabilitation		1,000,000	
Repair and Rehabilitation		4,500,000		EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER			
FORESTRY				Preventive Maintenance		45,000	
Preventive Maintenance		2,000,000		Repair and Rehabilitation		100,000	
Repair and Rehabilitation		6,500,000		EVANSVILLE STATE HOSPITAL			
MUSEUMS AND HISTORIC SITES				Preventive Maintenance		500,000	
Preventive Maintenance		365,559		Consult/Design for Forensic Pts.		100,000	
Repair and Rehabilitation		4,500,000		Repair and Rehabilitation		858,000	
Tippecanoe Battlefield - Fence Restoration		430,000		MADISON STATE HOSPITAL			
NATURE PRESERVES				Preventive Maintenance		971,409	
Preventive Maintenance		200,000		LOGANSPOUT STATE HOSPITAL			
Repair and Rehabilitation		1,350,000		Preventive Maintenance		963,144	
OUTDOOR RECREATION				Repair and Rehabilitation		4,228,000	
Preventive Maintenance		50,000		RICHMOND STATE HOSPITAL			
Repair and Rehabilitation		375,000		Preventive Maintenance		1,210,724	
STATE PARKS AND RESERVOIR MANAGEMENT				Operational Support Building		649,250	
Preventive Maintenance		2,900,000		Repair and Rehabilitation		3,329,000	
Repair and Rehabilitation		29,000,000		LARUE CARTER MEMORIAL HOSPITAL			
Cigarette Tax Fund (IC 6-7-1-29.1)				Preventive Maintenance		5,000,000	
Preventive Maintenance		3,600,000		(2) PUBLIC HEALTH			
DIVISION OF WATER				DEPARTMENT OF HEALTH			
Preventive Maintenance		250,000		Preventive Maintenance		15,303	
Repair and Rehabilitation		8,925,000		Repair and Rehabilitation		1,684,697	
Dredging of Cedar Lake in Lake County		2,000,000		SCHOOL FOR THE BLIND			
ENFORCEMENT				Preventive Maintenance		565,714	
Preventive Maintenance		250,000		Repair and Rehabilitation		2,964,671	
STATE MUSEUM				SCHOOL FOR THE DEAF			
Preventive Maintenance		650,000		Preventive Maintenance		553,120	
Repair and Rehabilitation		300,000		Repair and Rehabilitation		3,046,357	
OIL AND GAS				SOLDIERS' AND SAILORS' CHILDREN'S HOME			
Repair and Rehabilitation		400,000		Preventive Maintenance		400,000	
ENTOMOLOGY				Repair and Rehabilitation		925,000	
Repair and Rehabilitation		1,000,000		(3) VETERANS' AFFAIRS			
WHITE RIVER STATE PARK				INDIANA VETERANS' HOME			
Preventive Maintenance		500,000		Veterans' Home Building Fund (IC 10-17-9-7)			
Repair and Rehabilitation		480,000		Preventive Maintenance		1,000,000	
WAR MEMORIALS COMMISSION				Replacement of Busses		485,000	
Preventive Maintenance		1,512,094		Repair and Rehabilitation		3,784,167	
Civil War Battle Flags		238,500		F. EDUCATION			
Repair and Rehabilitation		815,300		HIGHER EDUCATION			
LITTLE CALUMET RIVER BASIN COMMISSION				INDIANA UNIVERSITY - TOTAL SYSTEM			
Repair and Rehabilitation		2,000,000		General Repair and Rehab		25,202,564	
D. TRANSPORTATION				PURDUE UNIVERSITY -			
AIRPORT DEVELOPMENT							
Airport Development		2,400,000					

The foregoing allocation for the Indiana department of transportation is for airport development and shall be used for the purpose of assisting local airport authorities and local units of government in matching available federal funds under the airport improvement program and for matching federal grants for airport planning and for the other airport studies. Matching grants of aid shall be made in accordance with the approved annual capital

	<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-09 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>		<i>FY</i> 2007-08 <i>Appro.</i>	<i>FY</i> 2008-08 <i>Appro.</i>	<i>Biennial</i> <i>Appro.</i>
TOTAL SYSTEM				carry out subsection (a):			
General Repair and Rehab			19,777,318	(1) Solicit information from:			
INDIANA STATE UNIVERSITY				(A) private individuals and entities;			
General Repair and Rehab			4,681,980	(B) tax policy experts; and			
UNIVERSITY OF				(C) any other source considered appropriate by the			
SOUTHERN INDIANA				legislative services agency.			
General Repair and Rehab			1,121,925	(2) Pay any travel expenses, per diem, and expert			
BALL STATE UNIVERSITY				witness fees for individuals or entities providing			
General Repair and Rehab			6,726,301	information solicited under subdivision (1).			
VINCENNES UNIVERSITY				(3) Contract with one (1) or more individuals or entities			
General Repair and Rehab			2,272,968	to carry out any part of the requirements in subsection			
IVY TECH COMMUNITY COLLEGE				(a).			
General Repair and Rehab			2,287,041	SECTION 38. IC 2-5-1.3 IS ADDED TO THE INDIANA			
				CODE AS A NEW CHAPTER TO READ AS FOLLOWS			
SECTION 33. [EFFECTIVE JULY 1, 2007]				[EFFECTIVE JULY 1, 2007]:			
The budget agency may employ one (1) or more architects				Chapter 1.3. General Accountability Office			
or engineers to inspect construction, rehabilitation, and				Sec. 1. As used in this chapter, "appointing authority"			
repair projects covered by the appropriations in this act or				refers to the speaker of the house of representatives and the			
previous acts.				president pro tempore of the senate acting jointly.			
SECTION 34. [EFFECTIVE JULY 1, 2007]				Sec. 2. As used in this chapter, "comptroller general"			
If any part of a construction or rehabilitation and repair				refers to the head of the office appointed under section 7 of			
appropriation made by this act or any previous acts has not				this chapter.			
been allotted or encumbered before the expiration of two (2)				Sec. 3. As used in this chapter, "office" refers to the			
biennia, the budget agency may determine that the balance				general accountability office established by section 6 of this			
of the appropriation is not available for allotment. The				chapter.			
appropriation may be terminated, and the balance may				Sec. 4. As used in this chapter, "privatization" refers to			
revert to the fund from which the original appropriation				the transfer to a private sector person of a program			
was made.				currently provided or performed directly by the employees			
SECTION 35. [EFFECTIVE UPON PASSAGE]				of a state agency.			
The budget agency may retain balances in the mental health				Sec. 5. As used in this chapter, "privatization contract"			
fund at the end of any fiscal year to ensure there are				refers to a contract entered into by a state agency with a			
sufficient funds to meet the service needs of the				private sector person for the privatization of a program. The			
developmentally disabled and the mentally ill in any year.				term does not include contracting with a private sector			
SECTION 36. [EFFECTIVE JULY 1, 2007]				person to provide services on a temporary or an emergency			
If the budget director determines at any time during the				basis.			
biennium that the executive branch of state government				Sec. 6. The general accountability office is established as			
cannot meet its statutory obligations due to insufficient				an agency of the general assembly.			
funds in the general fund, then notwithstanding IC 4-10-18,				Sec. 7. (a) The appointing authority shall appoint an			
the budget agency, with the approval of the governor and				individual to be the comptroller general.			
after review by the budget committee, may transfer from				(b) The individual appointed as comptroller general serves			
the counter-cyclical revenue and economic stabilization fund				at the pleasure of the appointing authority.			
to the general fund an amount necessary to maintain a				(c) The comptroller general is the administrative head of			
positive balance in the general fund.				the general accountability office.			
SECTION 37. IC 2-5-1.1-20 IS ADDED TO THE INDIANA				Sec. 8. The office shall do the following:			
CODE AS A NEW SECTION TO READ AS FOLLOWS				(1) At the request of a member of the general assembly,			
[EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The legislative				review and audit entities:			
services agency shall do the following:				(A) established by law; or			
(1) Annually review changes to tax laws in Indiana and				(B) that receive money derived from appropriations			
other states that were enacted in the preceding year.				made by the general assembly.			
(2) Annually analyze and evaluate Indiana's tax laws				(2) Evaluate programs established by Indiana law as			
compared with the tax laws of:				directed by the appointing authority.			
(A) the other states in the Midwest; and				(3) Review all privatization contracts entered into after			
(B) other states.				December 31, 2004, as directed by the appointing			
(3) Not later than June 1, 2009, and June 1 of each year				authority.			
thereafter, present a comprehensive report containing				Sec. 9. The office shall publish reports of its audits and			
the results of the review and comparison conducted				evaluations as directed by the appointing authority.			
under this subsection to the governor and the legislative				SECTION 39. IC 4-4-10.9-1 IS AMENDED TO READ AS			
council.				FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The			
(b) The legislative services agency may do the following to				definitions in this chapter apply throughout this chapter,			
				IC 4-4-11, IC 4-4-11.7, and IC 4-4-31.			
				SECTION 40. IC 4-4-11-15, AS AMENDED BY			
				P.L.181-2006, SECTION 1, IS AMENDED TO READ AS			
				FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) The			
				authority is granted all powers necessary or appropriate to carry			
				out and effectuate its public and corporate purposes under the			
				affected statutes, including but not limited to the following:			

(1) Have perpetual succession as a body politic and corporate and an independent instrumentality exercising essential public functions.

(2) Without complying with IC 4-22-2, adopt, amend, and repeal bylaws, rules, guidelines, and policies not inconsistent with the affected statutes, and necessary or convenient to regulate its affairs and to carry into effect the powers, duties, and purposes of the authority and conduct its business under the affected statutes. These bylaws, rules, guidelines, and policies must be made by a resolution of the authority introduced at one (1) meeting and approved at a subsequent meeting of the authority.

(3) Sue and be sued in its own name.

(4) Have an official seal and alter it at will.

(5) Maintain an office or offices at a place or places within the state as it may designate.

(6) Make, execute, and enforce contracts and all other instruments necessary, convenient, or desirable for the purposes of the authority or pertaining to:

(A) a purchase, acquisition, or sale of securities or other investments; or

(B) the performance of the authority's duties and execution of any of the authority's powers under the affected statutes.

(7) Employ architects, engineers, attorneys, inspectors, accountants, agriculture experts, silviculture experts, aquaculture experts, and financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment and to fix their compensation.

(8) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as it may consider advisable.

(9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the authority's purposes, and issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided by the affected statutes. Notwithstanding any other law, the:

(A) issuance by the authority of any indebtedness that establishes a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to restore a debt service reserve fund or another fund to required levels; or

(B) execution by the authority of any other agreement that creates a moral obligation of the state to pay all or part of any indebtedness issued by the authority;

is subject to review by the budget committee and approval by the budget director.

(10) Procure insurance or guaranties from any public or private entities, including any department, agency, or instrumentality of the United States, for payment of any bonds issued by the authority or for reinsurance on amounts paid from the industrial development project guaranty fund, including the power to pay premiums on any insurance or reinsurance.

(11) Purchase, receive, take by grant, gift, devise, bequest, or otherwise, and accept, from any source, aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of the affected statutes, subject to the conditions upon which the grants or contributions are made, including but not limited to gifts or grants from any department, agency, or instrumentality of the United States, and lease or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property or any interest in real or personal property, wherever situated, for any purpose consistent with the affected statutes.

(12) Enter into agreements with any department, agency, or instrumentality of the United States or this state and with

lenders and enter into loan agreements, sales contracts, and leases with contracting parties, including participants (as defined in IC 13-11-2-151.1) for any purpose permitted under IC 13-18-13 or IC 13-18-21, borrowers, lenders, developers, or users, for the purpose of planning, regulating, and providing for the financing and refinancing of any agricultural enterprise (as defined in IC 15-7-4.9-2), rural development project (as defined in IC 15-7-4.9-19.5), industrial development project, purpose permitted under IC 13-18-13 and IC 13-18-21, or international exports, and distribute data and information concerning the encouragement and improvement of agricultural enterprises and agricultural employment, rural development projects, industrial development projects, international exports, and other types of employment in the state undertaken with the assistance of the authority under this chapter.

(13) Enter into contracts or agreements with lenders and lessors for the servicing and processing of loans and leases pursuant to the affected statutes.

(14) Provide technical assistance to local public bodies and to profit and nonprofit entities in the development or operation of agricultural enterprises, rural development projects, and industrial development projects.

(15) To the extent permitted under its contract with the holders of the bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party.

(16) To the extent permitted under its contract with the holders of bonds of the authority, enter into contracts with any lender containing provisions enabling it to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges when, by reason of other income or payment by any department, agency, or instrumentality of the United States of America or of this state, the reduction can be made without jeopardizing the economic stability of the agricultural enterprise, rural development project, or industrial development project being financed.

(17) Notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority.

(18) Fix and revise periodically, and charge and collect, fees and charges as the authority determines to be reasonable in connection with:

(A) the authority's loans, guarantees, advances, insurance, commitments, and servicing; and

(B) the use of the authority's services or facilities.

(19) Cooperate and exchange services, personnel, and information with any federal, state, or local government agency, or instrumentality of the United States or this state.

(20) Sell, at public or private sale, with or without public bidding, any loan or other obligation held by the authority.

(21) Enter into agreements concerning, and acquire, hold, and dispose by any lawful means, land or interests in land, building improvements, structures, personal property, franchises, patents, accounts receivable, loans, assignments, guarantees, and insurance needed for the purposes of the affected statutes.

(22) Take assignments of accounts receivable, loans, guarantees, insurance, notes, mortgages, security

agreements securing notes, and other forms of security, attach, seize, or take title by foreclosure or conveyance to any industrial development project when a guaranteed loan thereon is clearly in default and when in the opinion of the authority such acquisition is necessary to safeguard the industrial development project guaranty fund, and sell, or on a temporary basis, lease or rent such industrial development project for any use.

(23) Expend money, as the authority considers appropriate, from the industrial development project guaranty fund created by section 16 of this chapter.

(24) Purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve industrial development projects, including land, machinery, equipment, or any combination thereof.

(25) Lease industrial development projects to users or developers, with or without an option to purchase.

(26) Sell industrial development projects to users or developers, for consideration to be paid in installments or otherwise.

(27) Make direct loans from the proceeds of the bonds to users or developers for:

(A) the cost of acquisition, construction, or installation of industrial development projects, including land, machinery, equipment, or any combination thereof; or

(B) eligible expenditures for an educational facility project described in IC 4-4-10.9-6.2(a)(2);

with the loans to be secured by the pledge of one (1) or more bonds, notes, warrants, or other secured or unsecured debt obligations of the users or developers.

(28) Lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to such lender to be used for making a loan to a developer or user for the financing of industrial development projects under this chapter.

(29) Enter into agreements with users or developers to allow the users or developers, directly or as agents for the authority, to wholly or partially construct industrial development projects to be leased from or to be acquired by the authority.

(30) Establish reserves from the proceeds of the sale of bonds, other funds, or both, in the amount determined to be necessary by the authority to secure the payment of the principal and interest on the bonds.

(31) Adopt rules and guidelines governing its activities authorized under the affected statutes.

(32) Use the proceeds of bonds to make guaranteed participating loans.

(33) Purchase, discount, sell, and negotiate, with or without guaranty, notes and other evidences of indebtedness.

(34) Sell and guarantee securities.

(35) Make guaranteed participating loans under IC 4-4-21-26.

(36) Procure insurance to guarantee, insure, coinsure, and reinsure against political and commercial risk of loss, and any other insurance the authority considers necessary, including insurance to secure the payment of principal and interest on notes or other obligations of the authority.

(37) Provide performance bond guarantees to support eligible export loan transactions, subject to the terms of the affected statutes.

(38) Provide financial counseling services to Indiana exporters.

(39) Accept gifts, grants, or loans from, and enter into contracts or other transactions with, any federal or state agency, municipality, private organization, or other source.

(40) Sell, convey, lease, exchange, transfer, or otherwise dispose of property or any interest in property, wherever the property is located.

(41) Cooperate with other public and private organizations to promote export trade activities in Indiana.

(42) Make guarantees and administer the agricultural loan and rural development project guarantee fund established by IC 15-7-5.

(43) Take assignments of notes and mortgages and security agreements securing notes and other forms of security, and attach, seize, or take title by foreclosure or conveyance to any agricultural enterprise or rural development project when a guaranteed loan to the enterprise or rural development project is clearly in default and when in the opinion of the authority the acquisition is necessary to safeguard the agricultural loan and rural development project guarantee fund, and sell, or on a temporary basis, lease or rent the agricultural enterprise or rural development project for any use.

(44) Expend money, as the authority considers appropriate, from the agricultural loan and rural development project guarantee fund created by IC 15-7-5-19.5.

(45) Reimburse from bond proceeds expenditures for industrial development projects under this chapter.

(46) Acquire, hold, use, and dispose of the authority's income, revenues, funds, and money.

(47) Purchase, acquire, or hold debt securities or other investments for the authority's own account at prices and in a manner the authority considers advisable, and sell or otherwise dispose of those securities or investments at prices without relation to cost and in a manner the authority considers advisable.

(48) Fix and establish terms and provisions with respect to:

(A) a purchase of securities by the authority, including dates and maturities of the securities;

(B) redemption or payment before maturity; and

(C) any other matters that in connection with the purchase are necessary, desirable, or advisable in the judgment of the authority.

(49) To the extent permitted under the authority's contracts with the holders of bonds or notes, amend, modify, and supplement any provision or term of:

(A) a bond, a note, or any other obligation of the authority; or

(B) any agreement or contract of any kind to which the authority is a party.

(50) Subject to the authority's investment policy, do any act and enter into any agreement pertaining to a swap agreement (as defined in IC 8-9.5-9-4) related to the purposes of the affected statutes in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7, whether the action is incidental to the issuance, carrying, or securing of bonds or otherwise.

(51) Construct or reconstruct a water project and lease the water project to the department of natural resources under IC 4-4-11.7.

~~(51)~~ **(52)** Do any act necessary or convenient to the exercise of the powers granted by the affected statutes, or reasonably implied from those statutes, including but not limited to compliance with requirements of federal law imposed from time to time for the issuance of bonds.

(b) The authority's powers under this chapter shall be interpreted broadly to effectuate the purposes of this chapter and may not be construed as a limitation of powers. The omission of a power from the list in subsection (a) does not imply that the authority lacks that power. The authority may exercise any power that is not listed in subsection (a) but is consistent with the powers listed in subsection (a) to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(c) This chapter does not authorize the financing of industrial development projects for a developer unless any written

agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

(d) The authority shall work with and assist the Indiana health and educational facility financing authority established by IC 5-1-16-2, the Indiana housing and community development authority established by IC 5-20-1-3, the Indiana port commission established under IC 8-10-1, and the state fair commission established by IC 15-1.5-2-1 in the issuance of bonds, notes, or other indebtedness. The Indiana health and educational facility financing authority, the Indiana housing and community development authority, the Indiana port commission, and the state fair commission shall work with and cooperate with the authority in connection with the issuance of bonds, notes, or other indebtedness.

SECTION 41. IC 4-4-11-15.6, AS ADDED BY P.L.214-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.6. In addition to the powers listed in section 15 of this chapter, the authority may:

- (1) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17; and
- (2) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1; and
- (3) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to construct or reconstruct a water project, acquire or provide a site for a water project, or pay any other costs of a water project under IC 4-4-11.7.

SECTION 42. IC 4-4-11.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 11.7. Construction and Financing of Water Projects

Sec. 1. As used in this chapter, "cost of a water project" means the cost of construction, reconstruction, equipment, lands, property rights, easements, financing charges, interest cost during construction, engineering and legal services, plans, specifications, surveys, cost estimates, studies, and other expenses as may be necessary or incident to the development, construction, financing, and placing in operation of a water project.

Sec. 2. As used in this chapter, "water project" means any infrastructure, improvements, or facilities, including dams, reservoirs, water storage facilities, pumps, or transmission mains, that can be used to provide water to:

- (1) an economic development project that the Indiana economic development corporation estimates will employ at least two thousand (2,000) persons; and
- (2) the communities surrounding the site of the economic development project described in subdivision (1).

Sec. 3. As used in this chapter, "department" refers to the department of natural resources.

Sec. 4. (a) The authority:

- (1) shall construct or reconstruct a water project and lease the water project to the department; and
- (2) may issue bonds;

as provided in this chapter.

(b) Except as otherwise provided in this chapter, the authority may exercise the powers set forth in IC 4-4-11 in carrying out this chapter.

Sec. 5. (a) For the purpose of providing funds to carry out this chapter with respect to:

- (1) the construction or reconstruction of the water

project;

- (2) acquiring or providing a site for the water project;
- (3) paying any other cost of the water project; or
- (4) the refunding of any bonds issued under this chapter;

the authority may, by resolution, issue and sell bonds of the authority, in an amount not to exceed thirty million dollars (\$30,000,000).

(b) Bonds issued by the authority under this chapter are payable solely from:

- (1) the lease rentals from the lease of the water project for which the bonds were issued, insurance proceeds, and any other funds of the authority pledged or available; and
- (2) any revenues from the water project.

(c) This chapter contains full and complete authority for the issuance of bonds by the authority. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the authority or any officer, department, agency, or instrumentality of the state are required to issue any bonds, except as required by this chapter.

Sec. 6. (a) A lease entered into under this chapter by the authority and the department concerning a water project must include the following:

(1) A provision plainly stating that the lease does not constitute an indebtedness of the state within the meaning or application of any constitutional provision or limitation, and that lease rentals are payable by the department solely from biennial appropriations, for the actual use or availability for use of a water project provided by the authority, with payment beginning not earlier than the time the use or availability of the water project commences.

(2) Provisions requiring the department to make lease rental payments at times and in amounts sufficient to pay in full:

(A) the debt service payable under the terms of any bonds or notes issued by the authority and outstanding with respect to the water project, including any required additions to reserves for the bonds or notes maintained by the authority; and

(B) additional lease rental payments as provided by the lease;

subject to appropriation of money to pay lease rentals.

(3) Provisions requiring the department to operate and maintain the water project during the term of the lease.

(4) A provision specifying the term of the lease, which may not exceed the estimated useful life of the water project.

(5) A provision specifying that the department may purchase the water project upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account of the water project, including indebtedness incurred for the refunding of that indebtedness.

(6) A provision requiring the plans and specifications of the water project to be submitted to and approved by all agencies of state government designated by law to review plans and specifications concerning the components of the water project.

(b) A lease entered into under this section may contain other terms and conditions that the authority and the department consider appropriate.

(c) A lease may be entered into by the authority and the department before the construction or reconstruction of the water project.

(d) The department shall pay lease rentals for leases entered into under this chapter and securing bonds issued by the authority under this chapter from appropriations made by the general assembly and from any revenues from the

water project.

(e) The department shall request in writing an appropriation for payment of lease rentals on any lease entered into under this chapter at a time sufficiently in advance of the date for payment of the lease rentals so that an appropriation may be made in the normal state budgetary process.

(f) If the department fails at any time to pay to the authority when due any lease rentals on any lease under this chapter, the chairman of the authority shall immediately report the unpaid amount in writing to the governor and in an electronic format under IC 5-14-6 to the general assembly.

Sec. 7. This chapter contains full and complete authority for leases between the authority and the department. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the authority or the department or any other officer, department, agency, or instrumentality of the state are required to enter leases under this chapter, except as required by this chapter.

Sec. 8. (a) Bonds issued under this chapter by the authority are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associates, credit unions, savings banks, private banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under Indiana law.

(b) An action to contest the validity of bonds to be issued under this chapter may not be brought after the time limitations set forth in IC 5-1-14-13.

(c) The general assembly covenants that it will not repeal or amend this chapter in a manner that would adversely affect or in any way impair the rights of owners of bonds issued under this chapter.

Sec. 9. The department may sell, transfer, convey, or lease by any means any property to the authority to carry out this chapter.

Sec. 10. The plans and specifications of the water project that will be constructed or reconstructed by the authority and leased to the department must be submitted to and approved by all governmental agencies designated by law to review and approve plans and specifications for the components of the water project.

SECTION 43. IC 4-30-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) There is created a state lottery commission as a body politic and corporate separate from the state.

(b) The commission is composed of five (5) members selected as provided in IC 4-30-4.

(c) The commission has the authority to sue and be sued in the name of the commission and to adopt a commission seal and symbol.

(d) The commission shall supervise and administer the operation of the Indiana state lottery in accordance with this article. Except as specifically provided by this article, these functions may not be delegated or contracted to another entity.

SECTION 44. IC 4-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The commission may enter into contracts for the purchase, lease, or lease-purchase of goods or services necessary to carry out this article.

(b) The commission may not enter into a management agreement or franchise agreement or otherwise contract with any person or entity:

(1) for the total operation and administration or substantially all operation and administration of the lottery established by this article; but may or

(2) to share or otherwise pay any part of the surplus revenue (as defined in IC 4-30-16-1) to any person or entity that provides any operation or administration functions for the lottery established by this article, other than the state.

The commission shall enter into contracts and make purchases that integrate functions such as lottery game design, supply of goods and services, and advertisement.

(b) (c) In all procurement decisions, the director, or the commission, if the commission chooses to make the decision, shall take into account the particularly sensitive nature of the lottery and shall consider the competence, quality of product, experience, and timely performance of the vendors in order to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objective of raising net revenues for the benefit of the public purposes described in this article.

SECTION 45. IC 4-33-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. After selecting the most appropriate operating agent applicant, the commission may enter into an operating agent contract with the person. The operating agent contract must comply with this article and include the following terms and conditions:

(1) The operating agent must pay a nonrefundable initial fee of one million dollars (\$1,000,000) to the commission. The fee must be deposited by the commission into the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(2) The operating agent must post a bond as required in section 6 of this chapter.

(3) The operating agent must implement flexible scheduling.

(4) The operating agent must locate the riverboat in a historic hotel district at a location approved by both the commission. and the historic hotel preservation commission established under IC 36-7-11.5.

(5) The operating agent must comply with any requirements concerning the exterior design of the riverboat that are approved by both the commission. and the historic hotel preservation commission established under IC 36-7-11.5.

(6) Notwithstanding any law limiting the maximum length of contracts:

(A) the initial term of the contract may not exceed twenty (20) years; and

(B) any renewal or extension period permitted under the contract may not exceed twenty (20) years.

(7) The operating agent must collect and remit all taxes under IC 4-33-12 and IC 4-33-13.

(8) The operating agent must comply with the restrictions on the transferability of the operating agent contract under section 12 of this chapter.

SECTION 46. IC 4-33-6.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) An operating agent must post a bond with the commission at least sixty (60) days before the commencement of regular riverboat operations in the historic hotel district.

(b) The bond must be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the operating agent.

(d) The bond:

- (1) is subject to the approval of the commission;
- (2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and
- (3) must be payable to the commission as obligee for use in payment of the riverboat's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

Any bond proceeds remaining after the payments shall be deposited in the ~~community trust~~ **West Baden Springs historic hotel preservation and maintenance** fund established by ~~IC 36-7-11.5-8~~ **IC 36-7-11.5-11**.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of an operating agent's bond is insufficient, the operating agent shall, upon written demand of the commission, file a new bond.

(f) The commission may require an operating agent to file a new bond with a satisfactory surety in the same form and amount if:

- (1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or
- (2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the operating agent's contract. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the operating agent remains at the site of the riverboat operating within the historic hotel district:

- (1) for five (5) years; or
- (2) until the date the commission enters into a contract with another operating agent to operate from the site for which the bond was posted;

whichever occurs first.

(i) An operating agent who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission and used in the same manner as specified in subsection (d).

(j) The total liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may not be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

- (1) the time specified under subsection (h); and
- (2) a written request is submitted by the operating agent.

SECTION 47. IC 4-33-12-6, AS AMENDED BY P.L.4-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

- (1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

- (A) the city in which the riverboat is docked, if the city:
- (i) is located in a county having a population of more

than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or

- (ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked.

In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat

located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) ~~Twenty-five~~ **Twenty-two** percent ~~(25%)~~ **(22%)** of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) ~~Twenty~~ **Twenty-two and seventy-five hundredths** percent ~~(20%)~~ **(22.75%)** shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) ~~Twenty~~ **Twenty-two and seventy-five hundredths** percent ~~(20%)~~ **(22.75%)** shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) ~~Sixty~~ **Fifty-four and five tenths** percent ~~(60%)~~ **(54.5%)** shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. ~~The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:~~

~~(i)~~ **(2) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.**

~~(ii)~~ **(3) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.**

~~(2)~~ **Sixteen** ~~(4)~~ **Twenty** percent ~~(16%)~~ **(20%)** of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and

(B) contains a historic hotel.

~~The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission. At least twenty percent (20%) of the taxes received by a town under this~~

~~subdivision must be transferred to the school corporation in which the town is located.~~

~~(3)~~ **Nine** ~~(5)~~ **Ten** percent ~~(9%)~~ **(10%)** of the admissions tax collected during the quarter shall be paid to the ~~historic hotel preservation~~ **Orange County development** commission established under IC 36-7-11.5. **At least one-third (1/3) of the taxes paid to the Orange County development commission under this subdivision must be transferred in equal parts to the French Lick tourism commission, the West Baden tourism commission, and the Orange County convention and visitors bureau.**

~~(4)~~ **Twenty-five** ~~(6)~~ **Thirteen** percent ~~(25%)~~ **(13%)** of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

~~(5)~~ **(7) Twenty-five** percent ~~(25%)~~ of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(A) Job creation and retention.

(B) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(C) Housing.

(D) Workforce training.

(E) Health care.

(F) Local planning.

(G) Land use.

(H) Assistance to regional economic development groups.

(I) Other regional development issues as determined by the Indiana economic development corporation.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01)

of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b)(1) through (b)(2), (c)(1) through ~~(c)(2)~~, **(c)(4)**, or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have

a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c). For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat admissions taxes that:

(1) exceed a particular entity's base year revenue; and

(2) would otherwise be due to the entity under this section; to the property tax replacement fund instead of to the entity.

SECTION 48. IC 4-33-13-5, AS AMENDED BY P.L.91-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of

tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

- (i) a city described in IC 4-33-12-6(b)(1)(A); or
- (ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue ~~deposited in the state gaming fund remitted by the operating agent~~ under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(2) ~~Thirty-seven and one-half~~ **Nineteen percent (19%)** shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) ~~Five~~ **Eight percent (8%)** shall be paid to the ~~historic hotel preservation~~ **Orange County development** commission established under IC 36-7-11.5.

(4) ~~For~~ **Sixteen percent (16%)** shall be paid in equal amounts to each town that ~~(A)~~ is located in the county in which the riverboat docks and ~~(B)~~ contains a historic hotel. ~~The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission. The following apply to taxes received by a town under this subdivision:~~

(A) **At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.**

(B) **At least twelve and five-tenths percent (12.5%) of the taxes must be transferred to the town's tourism commission.**

(5) ~~For~~ **Nine percent (9%)** shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) ~~Twenty~~ **Twenty-two and twenty-five hundredths percent (22.25%)** shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but

less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) ~~Twenty~~ **Twenty-two and twenty-five hundredths percent (22.25%)** shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) ~~Sixty~~ **Fifty-five and five tenths percent (55.5%)** shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. ~~The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:~~

~~(i)~~ **(6) Five percent (5%) shall be paid to a town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.**

~~(ii)~~ **(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.**

(8) Five-tenths percent (0.5%) shall be paid to the Orange County convention and visitors bureau.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

(1) exceeds a particular city's or county's base year revenue; and

(2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount

that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. The amount of the supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-6); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity during the preceding state fiscal year under

IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

SECTION 49. IC 5-1-14-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. (a) A county or municipality may issue bonds, notes, or other obligations for the purpose of providing funds to pay pension benefits under IC 36-8-6, IC 36-8-7, or IC 36-8-7.5.**

(b) Notwithstanding any other law:

- (1) bonds, notes, or other obligations issued for the purpose described in this section may have a final maturity date up to, but not exceeding, forty (40) years from the date of original issuance;
- (2) the amount of bonds, notes, or other obligations that may be issued for the purpose described in this section may not exceed two percent (2%) of the true tax value of property located within the county or municipality; and
- (3) the proceeds of bonds, notes, or other obligations issued for the purpose described in this section may be deposited to the issuing county's or municipality's separate account described in IC 5-10.3-11-6.

(c) This section is supplemental to all other laws but does not relieve a county or municipality from complying with other procedural requirements for the issuance of bonds, notes, or other obligations.

SECTION 50. IC 5-23-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 8. Feasibility Studies

Sec. 1. As used in this chapter, "build-operate-transfer agreement" means any agreement between a governmental body and an operator to construct, operate, and maintain a public facility and to transfer the public facility back to the governmental body at an established future date.

Sec. 2. As used in this chapter, "feasibility study" means plans, estimates, proposal development, identification of contractors, purchasers, or vendors, and other studies and reports necessary or incidental to determining the financial, marketing or other feasibility or practicability of a project.

Sec. 3. As used in this chapter, "governmental body" refers to a state agency or a separate body corporate and politic.

Sec. 4. As used in this chapter, "operating agreement" means an agreement between a person and a governmental body for:

- (1) the operation, maintenance, repair, or management of a public facility; or
- (2) administration, supervision, or operation of a public service or a major component of a public service.

Sec. 5. As used in this chapter, "person" means an association, a corporation, a limited liability company, a fiduciary, an individual, a joint stock company, a joint venture, a partnership, a sole proprietorship, or any other private legal entity.

Sec. 6. As used in this chapter, "project" means the following:

- (1) Operation, maintenance, repair, or management of

a public facility.

(2) Administration, supervision, or operation of a public service or a major component of a public service.

Sec. 7. As used in this chapter, "public facility" means a facility or other improvement to land that is located on, or to be located on, real property owned or leased by a governmental body and upon which a public service is or may be provided, including a highway, street, or road.

Sec. 8. "Public-private agreement" means any of the following:

(1) A build-operate-transfer agreement.

(2) An operating agreement.

(3) Any other agreement between a person and a governmental entity under which the person, acting on behalf of the governmental entity as lessee, licensee, or franchisee, will:

(1) plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a public facility; or

(2) perform substantially all of the operation, administration or supervision of a public service or a major component of a public service.

Sec. 9. As used in this chapter, "public service" means the following:

(1) Any service customarily provided by a governmental body.

(2) Any services provided by a governmental body for which revenues and expenditures would generally be reported using generally accepted governmental accounting principles in a proprietary fund, including a lottery.

Sec. 10. As used in this chapter, "separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic, including the Indiana finance authority.

Sec. 11. As used in this chapter, "state agency" refers to any elected or appointed officer, authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

Sec. 12. A governmental entity may not:

(1) contract with a person;

(2) solicit the services of a person; or

(3) accept the services of a person;

to perform a feasibility study for a project or a public-private agreement without the prior approval of the general assembly enacted in a bill, regardless of whether the services are provided for a fee or without charge.

Sec. 13. The attorney general and the inspector general shall enforce this chapter.

SECTION 51. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2009: 2007. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

(1) develops, redevelops, or rehabilitates the real property; and

(2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the

development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor shall:

(1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and

(2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 52. IC 6-1.1-12.4-3, AS AMENDED BY P.L.154-2006, SECTION 37, AND AS AMENDED BY P.L.169-2006, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009: 2007. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana; and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to *personal property* at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 53. IC 6-2.5-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) Sales of tangible personal property are exempt from the state gross retail tax, if:

(1) the seller is an organization that is described in section 21(b)(1) of this chapter;

(2) the organization makes the sale to make money to carry on a not-for-profit purpose; and

(3) the organization does not make those sales during more than thirty (30) days in a calendar year.

(b) Sales of tangible personal property are exempt from the state gross retail tax, if:

(1) the seller is an organization described in section 21(b)(1) of this chapter;

(2) the seller is not operated predominantly for social purposes;

(3) the property sold is designed and intended primarily either for the organization's educational, cultural, or religious purposes, or for improvement of the work skills or professional qualifications of the organization's members; and

(4) the property sold is not designed or intended primarily for use in carrying on a private or proprietary business.

(c) The exemption provided by this section does not apply to an accredited college or university's sales of **the following**:

(1) Books other than textbooks exempt under section 42 of this chapter.

(2) Stationery.

(3) Haberdashery.

(4) Supplies. or

(5) Other property.

SECTION 54. IC 6-2.5-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 42. Sales of textbooks are exempt from the state gross retail tax if:**

(1) the textbooks are required for an undergraduate or graduate course at an accredited college or university; and

(2) the purchaser is a student enrolled in an accredited college or university or the parent or guardian of a student enrolled in an accredited college or university.

SECTION 55. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) In determining the amount of state gross retail and use taxes which

a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:

(1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after ~~December 31, 2006~~. As used in this subsection, "affiliated group" means any combination of the following:

~~(1) An affiliated group within the meaning provided in Section 1504 of the Internal Revenue Code; except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%);~~

~~(2) Two (2) or more partnerships (as defined in IC 6-3-1-19); including limited liability companies and limited liability partnerships; that have the same degree of mutual ownership as an affiliated group described in subdivision (1); as determined under the rules adopted by the department.~~

June 30, 2004. The right to a deduction under this section is ~~not~~ assignable to an individual or entity that is not part of the same affiliated group as the assignor; **only if the retail merchant that paid the state gross retail or use tax liability assigns the right to the deduction in writing.**

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to:

(A) exclude:

(A) financing charges or interest;

(B) sales or use taxes charged on the purchase price;

(C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;

(D) expenses incurred in attempting to collect any debt; and

(E) repossessed property.

(3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.

(4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file

a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.

(5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.

(6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any other charges.

(7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 56. IC 6-2.5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

(1) Fifty percent (50%) of the collections shall be paid into the property tax replacement fund established under IC 6-1.1-21.

(2) Forty-nine and ~~one hundred ninety-two~~ **sixty-seven** thousandths percent (~~49.192%~~) (**49.067%**) of the collections shall be paid into the state general fund.

(3) ~~Six hundred thirty-five thousandths~~ **Seventy-six hundredths** of one percent (~~0.635%~~) (**0.76%**) of the collections shall be paid into the public mass transportation fund established by IC 8-23-3-8.

(4) Thirty-three thousandths of one percent (0.033%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(5) Fourteen-hundredths of one percent (0.14%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 57. IC 6-3-1-11, AS AMENDED BY P.L.184-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2006~~ **2007**.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2006~~ **2007**, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2006~~ **2007**, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2006~~ **2007**, that is effective for any taxable year that began before January 1, ~~2006~~ **2007**, and that affects:

(1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);

(2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);

(3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);

(4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

SECTION 58. IC 8-14-14-7, AS ADDED BY P.L.47-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

(1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves.

(2) Lease payments to the authority (**including lease payments under IC 4-4-11.7**), if money for those payments is specifically appropriated by the general assembly.

(3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

SECTION 59. IC 9-29-5-2, AS AMENDED BY P.L.1-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The fee for the registration of a motorcycle is ~~seventeen~~ **twenty-seven** dollars (~~\$17~~) (**\$27**). The revenue from this fee shall be allocated as follows:

(1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.

(2) An amount prescribed as a license branch service charge under IC 9-29-3.

(3) **Ten dollars (\$10) to the spinal cord and brain injury fund under IC 16-41-42-4.**

~~(4)~~ (4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 60. IC 16-18-2-37.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37.5. (a) "Board" for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-2.1.

(b) **"Board" for purposes of IC 16-41-42, has the meaning set forth in IC 16-41-42-1.**

SECTION 61. IC 16-18-2-143 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

(d) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

(e) **"Fund", for purposes of IC 16-41-42, has the meaning set forth in IC 16-41-42-2.**

SECTION 62. IC 16-18-2-315.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 315.5. "Registry", for purposes of IC 16-41-42, has the meaning set forth in IC 16-41-42-3.**

SECTION 63. IC 16-41-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]:

Chapter 42. Spinal Cord and Brain Injury

Sec. 1. As used in this chapter, "board" refers to the spinal cord and brain injury research board created by section 6 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the spinal cord and brain injury fund established by section 4 of this chapter.

Sec. 3. As used in this chapter, "registry" refers to the statewide spinal cord and brain injury registry established by section 8 of this chapter.

Sec. 4. (a) The spinal cord and brain injury fund is established to fund research on spinal cord and brain injuries.

(b) The fund shall be administered by the state department.

(c) The fund consists of:

- (1) appropriations;
- (2) gifts and bequests;
- (3) fees deposited in the fund under IC 33-37-7-2;
- (4) fees deposited in the fund under IC 9-29-5-2; and
- (5) grants received from the federal government or private sources.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Of the money in the fund:

- (1) five hundred thousand dollars (\$500,000) is annually appropriated to Indiana University for spinal cord and brain injury research;
- (2) five hundred thousand dollars (\$500,000) is annually appropriated to Purdue University for spinal cord and brain injury research; and
- (3) the balance is continually appropriated to the state department to fund spinal cord and brain injury research programs.

Sec. 5. The fund is to be used for the following purposes:

- (1) Establish and maintain a state medical surveillance registry for traumatic spinal cord and brain injuries.
- (2) Fulfill the duties of the board under section 6 of this chapter.
- (3) Fund research on spinal cord and brain injuries related to the acute management and medical complications of spinal cord and head injuries and research related to neuronal recovery. Research must be conducted in compliance with all state and federal laws.

Sec. 6. (a) The spinal cord and brain injury research board is created for the purpose of administering the fund. The board is composed of nine (9) members.

(b) The following four (4) members of the board shall be appointed by the governor:

- (1) One (1) member who has a spinal cord or head injury or who has a family member with a spinal cord or head injury.
- (2) One (1) member who is a physician licensed under IC 25-22.5 who has specialty training in neuroscience and surgery.
- (3) One (1) member who is a physiatrist holding a board certification from the American Board of Physical Medicine and Rehabilitation.
- (4) One (1) member representing the technical life sciences industry.

(c) The following five (5) members of the board shall be appointed as follows:

- (1) One (1) member representing Indiana University to

be appointed by Indiana University.

(2) One (1) member representing Purdue University to be appointed by Purdue University.

(3) One (1) member representing the National Spinal Cord Injury Association to be appointed by the National Spinal Cord Injury Association.

(4) One (1) member representing the largest freestanding rehabilitation hospital for brain and spinal cord injuries in Indiana to be appointed by the Rehabilitation Hospital of Indiana located in Indianapolis.

(5) One (1) member representing the American Brain Injury Association to be appointed by the Brain Injury Association of Indiana.

(d) The term of a member is four (4) years. A member serves until a successor is appointed and qualified. If a vacancy occurs on the board before the end of a member's term, the appointing authority appointing the vacating member shall appoint an individual to serve the remainder of the vacating member's term.

(e) A majority of the members appointed to the board constitutes a quorum. The affirmative votes of a majority of the members are required for the board to take action on any measure.

(f) Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The board shall annually elect a chairperson who shall be the presiding officer of the board. The board may establish other officers and procedures as the board determines necessary.

(h) The board shall meet at least two (2) times each year. The chairperson may call additional meetings.

(i) The state department shall provide staff for the board. The state department shall maintain a registry of the members of the board. An appointing authority shall provide written confirmation of an appointment to the board to the state department in the form and manner specified by the state department.

(j) The board shall do the following:

- (1) Consider policy matters relating to spinal cord and brain injury research projects and programs.
- (2) Consider research applications and make grants for approved research projects.
- (3) Formulate policies and procedures concerning the operation of the board.
- (4) Review and authorize spinal cord and brain injury research projects and programs to be financed under this chapter.
- (5) Review and approve progress and final research reports on projects authorized under this chapter.
- (6) Review and make recommendations concerning the expenditure of money from the fund.
- (7) Advise the state department on formation of the registry.
- (8) Take other action necessary for the purpose stated in subsection (a).
- (9) Provide to the governor, the general assembly, and the legislative council an annual report not later than January 30 of each year showing the status of funds appropriated under this chapter. The report to the general assembly and the legislative council must be in an electronic format under IC 5-14-6.

(k) A member of the board is exempt from civil liability arising or thought to arise from an action taken in good faith

as a member of the board.

Sec. 7. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

Sec. 8. (a) The state department shall establish and maintain a statewide spinal cord and brain injury registry.

(b) The registry shall include reports of persons who have sustained spinal cord or brain injuries, other than through disease, whether or not the injury results in a permanent disability. The registry shall include data on the:

- (1) incidence; and**
- (2) prevalence;**

of spinal cord and brain injuries and shall serve as a resource for research, education, and information on spinal cord and brain injuries and available services. Health care providers shall report spinal cord and brain injuries to the state department for the purposes of this section under the rules adopted by the state department under section 7 of this chapter.

SECTION 64. IC 20-12-1-12, AS ADDED BY P.L.246-2005, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies notwithstanding IC 20-12-23-2, IC 20-12-36-4, IC 20-12-56-5, IC 20-12-57.5-11, and IC 20-12-64-5.

(b) As used in this section, "academic year" has the meaning set forth in IC 20-12-76-1.

(c) As used in this section, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

(d) **Subject to subsection (h),** a state educational institution shall set tuition and fee rates for a two (2) year period. The rates shall be set according to the procedure set forth in subsection (e) and:

- (1) on or before May 30 of the odd numbered year; or
 - (2) thirty (30) days after the state budget bill is enacted into law;
- whichever is later.

(e) A state educational institution shall hold a public hearing before adopting any proposed tuition and fee rate increases. The state educational institution shall give public notice of the hearing at least ten (10) days before the hearing. The public notice shall include the specific proposal for tuition and fee rate increases and the expected uses of the revenue to be raised by the proposed increases. The hearing shall be held:

- (1) on or before May 15 of each odd numbered year; or
 - (2) fifteen (15) days after the state budget bill is enacted into law;
- whichever is later.

(f) After a state educational institution's tuition and fee rates are set under this section, the state educational institutions may adjust the tuition and fee rates only if appropriations to the state educational institution in the state budget act are reduced or withheld.

(g) If a state educational institution adjusts its tuition and fee rates under subsection (f), the total revenue generated by the tuition and fee rate adjustment must not exceed the amount by which appropriations to the state educational institution in the state budget act were reduced or withheld.

(h) As used in this section, "Indiana median family income" means the Indiana median income for a four (4) person family as determined by the United States Census Bureau. A state educational institution may not set a tuition rate for any two (2) year period beginning after June 30, 2007, that exceeds:

- (1) the state educational institution's tuition rate for the immediately preceding two (2) year period; multiplied by**
- (2) the quantity:**
 - (A) one (1); plus**
 - (B) the compound annual growth rate of Indiana median family incomes for the immediately preceding five (5) years.**

SECTION 65. IC 20-12-20.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The college work-study fund is established for the purpose of providing reimbursement to eligible employers who enter into agreements with the commission under this chapter.

(b) The fund consists of appropriations from the state general fund and contributions from private sources.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a particular fiscal year does not revert to the state general fund **but remains available to be used for providing reimbursements under this chapter.**

SECTION 66. IC 20-12-21.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. Funds received under the loan program shall be deposited with the treasurer of state in a separate account known as the "student loan program fund". The money remaining in the student loan program fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing student loans under this chapter.** After consultation with the program director of the loan program appointed under IC 20-12-21-5.5, the treasurer shall invest the funds. Any income earned on amount so invested is part of the fund.

SECTION 67. IC 20-12-21.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The secondary market sale fund is established for the purpose of providing money for school assessment testing and remediation, including reading recovery programs. The fund shall be administered by the budget agency.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of proceeds from the sale of assets of the Indiana Secondary Market for Education Loans, Incorporated.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest earned from these investments shall be credited to the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing money for school assessment testing and remediation, including reading recovery programs as allowed under this chapter.**

SECTION 68. IC 20-12-21.9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The commission shall administer the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds. Interest that accrues from those investments shall be deposited in the fund.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund **but remains available to be used for providing money for nursing scholarships under this chapter.**

SECTION 69. IC 20-12-22.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The part-time student grant fund is established to make awards authorized under this chapter to eligible applicants.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Gifts, grants, devises, or bequests made to the state in order to achieve the purposes of the fund.

(c) The fund shall be administered by the commission.

(d) The fund shall be separate and distinct from other funds

administered by the commission and money in the fund may not be exchanged with or transferred to other funds.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing money for part-time student grants under this chapter.**

SECTION 70. IC 20-12-33-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. ~~As soon as practicable after February 28, 1945, the~~ (a) ~~The trustees of Indiana University are authorized to may establish in the medical school a department of school of public health to be known as the Indiana University school of public health. and to The trustees shall provide adequate equipment and competent personnel to carry out for the purpose of this chapter: school of public health. The school of public health may use any property acquired before July 1, 2007, by Indiana University for the medical school department of public health.~~

SECTION 71. IC 20-12-33-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The school of ~~medicine shall be authorized to public health~~ may charge and collect a tuition fee for ~~such the~~ short courses ~~but authorized under section 2 of this chapter.~~ The amount of ~~such the~~ fee shall be no greater than actual cost. ~~and If, in the discretion of the trustees of Indiana University acting in conjunction with the state department of health, a tuition fee at cost would tend to discourage attendance in any short course, the tuition fee may be decreased or waived entirely as to all persons taking the course.~~

SECTION 72. IC 20-12-69-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The Indiana excellence in teaching endowment is established to provide institutions with grants to match interest income generated by an endowment established under section 8 of this chapter to attract and retain distinguished teachers. The fund shall be administered by the council.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund **but remains available to be used for providing money for grants as allowed under this chapter.**

SECTION 73. IC 20-12-70-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The twenty-first century scholars fund is established to provide the financial resources necessary to award the tuition scholarships authorized under the program.

(b) The commission shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing money for twenty-first century scholarships under this chapter.**

SECTION 74. IC 20-12-70.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The twenty-first century scholars program support fund is established to provide reimbursements to scholarship recipients to offset the costs incurred by scholarship recipients in purchasing:

- (1) required textbooks, supplies, or equipment;
- (2) any other materials required by the institution of higher learning (as defined in IC 20-12-70-4) in order for a

scholarship recipient to participate in a particular class, seminar, laboratory, or other type of instruction; or

(3) other items or services approved by the commission under rules adopted by the commission;

that are not included in the cost of tuition or other regularly assessed fees.

(b) The commission shall administer the support fund.

(c) The treasurer of state shall invest the money in the support fund not currently needed to meet the obligations of the support fund in the same manner as other public funds may be invested.

(d) Money in the support fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing money for twenty-first century scholarships under this chapter.**

SECTION 75. IC 20-12-74-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The national guard tuition supplement program fund is established to provide the financial resources necessary to award the tuition scholarships authorized under the program.

(b) The commission shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) **Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for providing money for national guard tuition supplement scholarships under this chapter.**

SECTION 76. IC 20-12-75-14, AS ADDED BY P.L.185-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Ivy Tech may establish a high school fast track to college program that offers qualified individuals an opportunity to earn a high school diploma while earning credits for a certificate program or an associate's degree.

(b) To be eligible to earn a high school diploma under this section, an individual must be either:

(1) at least nineteen (19) years of age and not enrolled in a school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently. The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's ~~tuition costs~~ for high school level courses taken at Ivy Tech during each year the individual is included in the school corporation's ADM.

(c) To complete the requirements for a high school diploma under this section, the individual must have:

(1) passed:

(A) the graduation examination given under IC 20-32-4;

(B) an examination for a general educational development diploma;

(C) an examination equivalent to the graduation examination:

(i) administered by Ivy Tech; and

(ii) approved by the department; or

(D) an examination that demonstrates the student is ready for college level work:

(i) administered by Ivy Tech; and

(ii) approved by the department; and

(2) completed the coursework necessary to meet:

(A) the minimum high school course requirements established by the state board; and

(B) the requirements of Ivy Tech.

(d) In addition to meeting the requirements set forth in subsections (b) and (c), an individual must have the credits toward graduation that the individual successfully completed in high school transferred to Ivy Tech.

(e) Ivy Tech shall notify the state board that an individual has successfully completed the requirements of a program established under this section. Upon receiving the notification,

the state board shall:

- (1) grant to the individual a high school diploma that states the individual earned the high school diploma at Ivy Tech; and
- (2) provide the diploma to Ivy Tech to award to the individual.

(f) If Ivy Tech establishes a program under this section, Ivy Tech shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted.

SECTION 77. IC 20-12-76-20, AS AMENDED BY P.L.128-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The career college student assurance fund is established to provide indemnification to a student or an enrollee of a postsecondary proprietary educational institution who suffers loss or damage as a result of any of the occurrences described in section 17(c) of this chapter if the occurrences transpired after June 30, 1992, and as provided in section 37 of this chapter.

(b) The commission shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund **but remains available to be used for providing money for reimbursements allowed under this chapter.**

(f) Upon the fund acquiring fifty thousand dollars (\$50,000), the balance in the fund may not become less than fifty thousand dollars (\$50,000). If:

- (1) a claim against the fund is filed that would, if paid in full, require the balance of the fund to become less than fifty thousand dollars (\$50,000); and
- (2) the commission determines that the student is eligible for a reimbursement under the fund;

the commission shall prorate the amount of the reimbursement to ensure that the balance of the fund does not become less than fifty thousand dollars (\$50,000), and the student is entitled to receive that balance of the student's claim from the fund as money becomes available in the fund from contributions to the fund required under this chapter.

(g) The commission shall ensure that all outstanding claim amounts described in subsection (f) are paid as money in the fund becomes available in the chronological order of the outstanding claims.

(h) A claim against the fund may not be construed to be a debt of the state.

SECTION 78. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) The department shall provide grants to an academy that is established to strengthen the leadership and management skills of practicing Indiana school business officials to achieve excellence in school business management practices.**

(b) Notwithstanding any other law, grants described under subsection (a) may be funded from money appropriated to the department for the personal services of the office of the state superintendent.

SECTION 79. IC 20-24-7-3, AS AMENDED BY P.L.2-2006, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) This section applies to a conversion charter school **for a year that ends before January 1, 2008.**

(b) Not later than the date established by the department for determining ADM and after July 2, the organizer shall submit to a governing body on a form prescribed by the department the information reported under section 2(a) of this chapter for each

student who:

- (1) is enrolled in the organizer's conversion charter school; and
- (2) has legal settlement in the governing body's school corporation.

(c) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

- (1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;
- (2) a proportionate share of state and federal funds received:

- (A) for students with disabilities; or
- (B) staff services for students with disabilities; enrolled in the conversion charter school; and
- (3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

(d) This subsection applies beginning with the first property tax distribution described in IC 6-1.1-27-1 to the governing body of the school corporation in which a conversion charter school is located after the governing body receives the information reported under subsection (b). Not more than ten (10) days after the governing body receives a property tax distribution described in IC 6-1.1-27-1, the governing body shall distribute to the conversion charter school the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the quotient of:

- (A) the number of students who:
 - (i) are enrolled in the conversion charter school; and
 - (ii) were counted in the ADM of the previous year for the school corporation in which the conversion charter school is located; divided by

- (B) the current ADM of the school corporation in which the conversion charter school is located.

In determining the number of students enrolled under clause (A)(i), each kindergarten student shall be counted as one-half (½) student.

STEP TWO: Determine the total amount of the following revenues to which the school corporation in which the conversion charter school is located is entitled for the second six (6) months of the calendar year in which the conversion charter school is established:

- (A) Revenues obtained by the school corporation's:
 - (i) general fund property tax levy; and
 - (ii) excise tax revenue (as defined in IC 20-43-1-12).
- (B) The school corporation's certified distribution of county adjusted gross income tax revenue under IC 6-3.5-1.1 that is to be used as property tax replacement credits.

STEP THREE: Determine the product of:

- (A) the STEP ONE amount; multiplied by
- (B) the STEP TWO amount.

(e) Subsection (d) does not apply to a conversion charter school after the later of the following dates:

- (1) December 31 of the calendar year in which the

conversion charter school is established.

(2) Ten (10) days after the date on which the governing body of the school corporation in which the conversion charter school is located receives the final distribution described in IC 6-1.1-27-1 of revenues to which the school corporation in which the conversion charter school is located is entitled for the second six (6) months of the calendar year in which the conversion charter school is established.

(f) This subsection applies during the second six (6) months of the calendar year in which a conversion charter school is established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the result under subsection (d) STEP ONE (A).

STEP TWO: Determine the difference between:

- (A) the conversion charter school's current ADM; minus
- (B) the STEP ONE amount.

STEP THREE: Determine the quotient of:

- (A) the STEP TWO amount; divided by
- (B) the conversion charter school's current ADM.

STEP FOUR: Determine the product of:

- (A) the STEP THREE amount; multiplied by
- (B) the quotient of:
 - (i) the subsection (d) STEP TWO amount; divided by
 - (ii) two (2).

SECTION 80. IC 20-24-8-2, AS ADDED BY P.L.169-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 2.

(a) A charter school may not do the following:

- (1) Operate at a site or for grades other than as specified in the charter.
- (2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:
 - (A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or
 - (B) a latch key program;
- if the charter school provides those programs.
- (3) Except for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.
- (4) Be located in a private residence.
- (5) Provide solely home based instruction.

(6) Provide in excess of fifty percent (50%) of instruction to students through virtual distance learning, online technologies, or computer based instruction. For the purposes of this subdivision, instruction does not include the administration of formal tests or assessments.

(b) **Subject to subsection (a)(6),** a charter school is not prohibited from delivering instructional services:

- (1) through the Internet or another online arrangement; or
- (2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

(c) A charter granted to an organization before July 1, 2007, that provides for the delivery of an excess of fifty percent (50%) of instruction to students through virtual distance learning, online technologies, or computer based instruction is terminated July 1, 2007, and may not be reinstated after June 30, 2007. The charters to which this subsection applies include the following:

- (1) Indiana Connections Academy, Muncie.**
- (2) Indiana Virtual Charter School, Indianapolis.**

SECTION 81. IC 20-30-11.5-6, AS ADDED BY P.L.185-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A student may apply for enrollment to a state educational institution. The state educational institution shall accept or reject the student based on the standards ordinarily used to decide student enrollments. However, a student in the program may not be refused admission solely because the student has not graduated from a secondary school.

(b) A state educational institution may grant financial assistance to a student for courses taken under this program based on the student's:

- (1) financial need; or**
- (2) academic achievement;**

or any other criteria.

(c) A state educational institution shall waive tuition for a student who is:

- (1) eligible for free or reduced lunch in high school;**
- (2) accepted into the program; and**
- (3) accepted for admission to the state educational institution.**

(b) The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's costs for the program high school level courses taken at a state educational institution during each year the individual is included in the school corporation's ADM.

SECTION 82. IC 20-40-8-19, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19. This section applies during the period beginning January 1, ~~2006~~, **2008**, and ending December 31, ~~2007~~ **2009**. Money in the fund may be used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

- (1) Utility services.
- (2) Property or casualty insurance.
- (3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this section may not exceed in ~~2006 two and seventy-five hundredths percent (2.75%) and in 2007 any calendar year three and five-tenths percent (3.5%)~~ of the school corporation's ~~2005 calendar 2007~~ year distribution.

SECTION 83. IC 20-43-1-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. This article expires January 1, ~~2008~~ **2010**.

SECTION 84. IC 20-43-1-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14.7. **"Growing [school supplemental levy]" has the meaning set forth in IC 20-45-1-13.6.**

SECTION 85. IC 20-43-2-2, AS AMENDED BY P.L.162-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. The maximum state distribution for a calendar year for all school corporations is:

(1) the greater of:

- (A) three billion eight hundred two million nine hundred thousand dollars (\$3,802,900,000); or**
- (B) the amount necessary to enable the department of education to make tuition support distributions in 2006 in accordance with IC 21-1-30 and this article without requiring a reduction in the amount distributed for tuition support under this section;**

in 2006; and

- (2) (1) three billion seven eight hundred forty-seven seven million two hundred thousand dollars (\$3,747,200,000) (\$3,807,200,000) in 2007;**
- (2) three billion nine hundred fifty-eight million three**

**hundred thousand dollars (\$3,958,300,000) in 2008; and
(3) four billion one hundred sixteen million eight
hundred thousand dollars (\$4,116,800,000) in 2009.**

SECTION 86. IC 20-43-2-3, AS AMENDED BY P.L.162-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. ~~(a) Except as provided in subsection (b);~~ If the total amount to be distributed:

- (1) as basic tuition support;
- (2) for academic honors diploma awards;
- (3) for primetime distributions;
- (4) for special education grants; and
- (5) for vocational education grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.

~~(b) The department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with this article without a reduction under this section.~~

SECTION 87. IC 20-43-3-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

- (A) The school corporation's basic tuition support for the year that precedes the current year.
- (B) The school corporation's maximum permissible tuition support levy for the calendar year that precedes the current year, made in determining the school corporation's adjusted tuition support levy for the calendar year.
- (C) The school corporation's excise tax revenue for the year that precedes the current year by two (2) years.

STEP TWO: Subtract from the STEP ONE result an amount equal to the sum of the following:

- (A) The reduction in the school corporation's state tuition support under any combination of subsection (b), subsection (c), IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.

~~(B) In 2006, the amount of the school corporation's maximum permissible tuition support levy attributable to the levy transferred from the school corporation's general fund to the school corporation's referendum tax levy fund under IC 20-46-1-6.~~

(B) The school corporation's growing school supplemental levy for the year.

(b) A school corporation's previous year revenue must be reduced if:

- (1) the school corporation's state tuition support for special or vocational education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special or vocational education programs; and
- (2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special and vocational education because of the overstatement.

(c) A school corporation's previous year revenue must be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-5.5-11 before July 1, 2005, or IC 20-24-11 after June 30,

2005. The amount of the reduction equals the product of:

- (1) the sum of the amounts distributed to the conversion charter school under IC 20-5.5-7-3.5(c) and IC 20-5.5-7-3.5(d) before July 1, 2005, and IC 20-24-7-3(c) and IC 20-24-7-3(d) after June 30, 2005; multiplied by
- (2) two (2).

SECTION 88. IC 20-43-4-7, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) This subsection does not apply to a charter school. When calculating adjusted ADM for ~~2006~~ **2008** distributions, this subsection, as effective after December 31, ~~2005~~, **2007**, shall be used to calculate the adjusted ADM for the previous year rather than the calculation used to calculate adjusted ADM for ~~2005~~ **2007** distributions. For purposes of this article, a school corporation's "adjusted ADM" for the current year is the result determined under the following formula:

STEP ONE: Determine the sum of the following:

- (A) The school corporation's ADM for the year preceding the current year by four (4) years multiplied by two-tenths (0.2).
- (B) The school corporation's ADM for the year preceding the current year by three (3) years multiplied by two-tenths (0.2).
- (C) The school corporation's ADM for the year preceding the current year by two (2) years multiplied by two-tenths (0.2).
- (D) The school corporation's ADM for the year preceding the current year by one (1) year multiplied by two-tenths (0.2).
- (E) The school corporation's ADM for the current year multiplied by two-tenths (0.2).

Round the result to the nearest five-tenths (0.5).

STEP TWO: Determine the sum of:

- ~~(A) the school corporation's ADM for the year preceding the current year; plus~~
- ~~(B) the product of:~~
 - ~~(i) the school corporation's ADM for the current year, minus the clause (A) amount; multiplied by~~
 - ~~(ii) seventy-five hundredths (0.75);~~

~~Round the result to the nearest five-tenths (0.5).~~

STEP THREE: Determine the greater of the following:

- (A) The STEP ONE result.
- (B) The STEP TWO result.

(b) A charter school's adjusted ADM for purposes of this article is the charter school's current ADM.

SECTION 89. IC 20-43-5-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) This subsection does not apply to a charter school. A school corporation's complexity index is determined under the following formula:

~~STEP ONE: Determine the greater of zero (0) or the result of the following:~~

- ~~(1) Determine the percentage of the population in the school corporation who are at least twenty-five (25) years of age with less than a twelfth grade education;~~
- ~~(2) Determine the quotient of:~~

- ~~(A) one thousand nineteen dollars (\$1,019); divided by~~
- ~~(B) four thousand five hundred seventeen dollars (\$4,517) in 2006 and four thousand five hundred sixty-three dollars (\$4,563) in 2007;~~

~~(3) Determine the product of:~~

- ~~(A) the subdivision (1) amount; multiplied by~~
- ~~(B) the subdivision (2) amount;~~

~~STEP TWO: ONE: Determine the greater of zero (0) or the result of the following:~~

- ~~(1) Determine the percentage of the school corporation's~~

students who were eligible for free **or reduced price** lunches in the school year ending in ~~2005~~ **2007**.

(2) Determine the quotient of:

(A) one thousand two hundred sixty dollars (\$1,260); in:

(i) **2008, two thousand eight hundred dollars (\$2,800); and**

(ii) **2009, two thousand eight hundred fifty dollars (\$2,850);** divided by

(B) four thousand five hundred seventeen dollars (\$4,517) in 2006 and four thousand five hundred sixty-three dollars (\$4,563) in 2007: in:

(i) **2008, four thousand seven hundred fifty dollars (\$4,750); and**

(ii) **2009, four thousand seven hundred sixty-five dollars (\$4,765) .**

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount.

STEP THREE: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of the school corporation's students who were classified as limited English proficient in the school year ending in 2005:

(2) Determine the quotient of:

(A) four hundred fifty-two dollars (\$452); divided by

(B) four thousand five hundred seventeen dollars (\$4,517) in 2006 and four thousand five hundred sixty-three dollars (\$4,563) in 2007:

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount:

STEP FOUR: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of families in the school corporation with a single parent:

(2) Determine the quotient of:

(A) five hundred fifty-seven dollars (\$557); divided by

(B) four thousand five hundred seventeen dollars (\$4,517) in 2006 and four thousand five hundred sixty-three dollars (\$4,563) in 2007:

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount:

STEP FIVE: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income level below the federal income poverty level (as defined in IC 12-15-2-1):

(2) Determine the quotient of:

(A) three hundred forty-seven dollars (\$347); divided by

(B) four thousand five hundred seventeen dollars (\$4,517) in 2006 and four thousand five hundred sixty-three dollars (\$4,563) in 2007:

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount:

STEP SIX: Determine the sum of the results in **STEP ONE** through **STEP FIVE**:

STEP SEVEN: TWO: Determine the result of one (1) plus the **STEP SIX ONE** result.

STEP EIGHT: THREE: This STEP applies if the **STEP SEVEN** result is equal to or greater than **at least** one and twenty-five hundredths (1.25). Determine the result of the following:

(1) Subtract one and twenty-five hundredths (1.25) from the **STEP SEVEN TWO** result.

~~(2) Multiply the subdivision (1) result by five-tenths (0.5):~~

~~(3) (2) Determine the result of:~~

(A) the **STEP SEVEN TWO** result; plus

(B) the subdivision ~~(2)~~ **(1)** result.

The data to be used in making the calculations under **STEP ONE** ~~**STEP FOUR**~~, and **STEP FIVE** of this subsection must be the data from the 2000 federal decennial census.

(b) A charter school's complexity index is the index determined under subsection (a) for the school corporation in which the charter school is located. However, the complexity index for Campagna Academy Charter School is the complexity index determined under subsection (a) for Gary Community School Corporation.

SECTION 90. IC 20-43-5-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. A school corporation's foundation amount for a calendar year is the result determined under **STEP TWO** of the following formula:

STEP ONE: Determine:

(A) four thousand five hundred seventeen dollars (\$4,517) in 2006; or

(B) four thousand five hundred sixty-three dollars (\$4,563) in 2007:

(A) in 2008:

(i) five thousand dollars (\$5,000) if the school corporation's complexity index is greater than one and twenty-five hundredths (1.25) and the school corporation's current ADM is less than one thousand seven hundred (1,700); or

(ii) four thousand seven hundred fifty dollars (\$4,750), if item (i) does not apply; or

(B) in 2009:

(i) five thousand dollars (\$5,000) if the school corporation's complexity index is greater than one and twenty-five hundredths (1.25) and the school corporation's current ADM is less than one thousand seven hundred (1,700); or

(ii) four thousand seven hundred sixty-five dollars (\$4,765) if item (i) does not apply.

STEP TWO: Multiply the **STEP ONE** amount by the school corporation's complexity index.

SECTION 91. IC 20-43-5-6, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. A school corporation's transition to foundation amount for a calendar year is equal to the result determined under **STEP THREE** of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the school corporation's previous year revenue foundation amount.

STEP TWO: Divide the **STEP ONE** result by:

(A) six ~~(6)~~ **four (4)** in ~~2006~~; **2008**; or

(B) ~~five (5)~~ **three (3)** in ~~2007~~; **2009**.

STEP THREE: A school corporation's **STEP THREE** amount is the following:

(A) For a charter school that has previous year revenue that is not greater than zero (0), the charter school's **STEP THREE** amount is the quotient of:

(i) the school corporation's guaranteed minimum revenue for the calendar year where the charter school is located; divided by

(ii) the school corporation's current ADM.

(B) The **STEP THREE** amount for a school corporation that is not a charter school described in clause (A) is the following:

(i) The school corporation's foundation amount for the calendar year, if the absolute value of the STEP ONE amount is less than or equal to fifty dollars (\$50).

(ii) For ~~2007~~, **2009**, the school corporation's foundation amount for the calendar year, if the foundation amount in ~~2006~~ **2008** equaled the school corporation's target revenue per ADM in ~~2006~~ **2008**.

(iii) The sum of the school corporation's previous year revenue foundation amount and the greater of the school corporation's STEP TWO amount or fifty dollars (\$50), if the school corporation's STEP ONE amount is greater than fifty dollars (\$50).

(iv) The difference determined by subtracting the greater of the absolute value of the school corporation's STEP TWO amount or fifty dollars (\$50) from the school corporation's previous year revenue foundation amount, if the school corporation's STEP ONE amount is less than negative fifty dollars (-\$50).

SECTION 92. IC 20-43-5-8, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. A school corporation's guaranteed minimum revenue for a calendar year is ~~equal to the result determined under STEP TWO of the following formula:~~

STEP ONE: Determine the greater of the following:

~~(1)~~ **(A)** The school corporation's transition to foundation revenue for the calendar year.

~~(2)~~ **(B)** The amount determined under STEP THREE of the following formula:

STEP ONE: Divide the school corporation's previous year revenue by the school corporation's previous year ADM.

STEP TWO: Multiply the STEP ONE result by ninety-nine hundredths (0.99).

STEP THREE: Multiply the STEP TWO amount by the school corporation's current ADM.

STEP TWO: Determine the following:

(A) This clause does not apply to a charter school. If the quotient of the school corporation's current ADM divided by the school corporation's ADM of the previous year is greater than one and five hundredths (1.05), the school corporation's guaranteed minimum revenue is the lesser of:

(i) the STEP ONE amount; or

(ii) the product of the school corporation's previous year revenue multiplied by one and six hundredths (1.06).

(B) This clause does not apply to a charter school. If the quotient of the school corporation's STEP ONE amount divided by the school corporation's previous year guaranteed minimum revenue is at least one (1) and not greater than one and one hundredth (1.01), the school corporation's guaranteed minimum revenue is the sum of the school corporation's:

(i) STEP ONE amount; plus

(ii) current ADM multiplied by one hundred dollars (\$100).

(C) This clause does not apply to a charter school. If the school corporation's current ADM is less than two thousand and the school corporation's STEP ONE amount is less than the school corporation's previous year guaranteed minimum revenue, the school corporation's guaranteed minimum revenue is the sum of the school corporation's:

(i) STEP ONE amount; plus

(ii) current ADM multiplied by two hundred dollars (\$200);

(D) This clause does not apply to a charter school. If

the current ADM of the school corporation is less than one hundred (100), the school corporation's guaranteed minimum revenue is the school corporation's transition to foundation amount multiplied the school corporation's ADM.

(E) This clause does not apply to a charter school. If clauses (A) through (D) do not apply, the school corporation's guaranteed minimum revenue is the school corporation's STEP ONE amount.

(F) This clause applies only to a charter school. The charter school's guaranteed minimum revenue is the greater of zero (0) or the charter school's guaranteed minimum revenue for 2007.

SECTION 93. IC 20-43-7-6, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. A school corporation's special education grant for a calendar year is equal to the sum of the following:

(1) The nonduplicated count of pupils in programs for severe disabilities multiplied by:

(A) in 2008, eight thousand ~~two four hundred forty-six~~ dollars ~~(\$8,246)~~; **(\$8,400)**; and

(B) in 2009, eight thousand five hundred dollars **(\$8,500)**.

(2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by:

(A) in 2008, two thousand two hundred ~~thirty-eight~~ **seventy** dollars ~~(\$2,238)~~; **(\$2,270)**; and

(B) in 2009, two thousand three hundred twenty dollars **(\$2,320)**.

(3) The duplicated count of pupils in programs for communication disorders multiplied by:

(A) in 2008, five hundred ~~thirty-one~~ **thirty-five** dollars ~~(\$531)~~; **(\$535)**; and

(B) in 2009, five hundred forty dollars **(\$540)**.

(4) The cumulative count of pupils in homebound programs multiplied by:

(A) in 2008, five hundred ~~thirty-one~~ **thirty-five** dollars ~~(\$531)~~; **(\$535)**; and

(B) in 2009, five hundred forty dollars **(\$540)**.

SECTION 94. IC 20-43-9-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. For purposes of computation under this chapter, the following shall be used:

(1) The staff cost amount for a school corporation:

(A) in 2008, is ~~sixty-nine~~ **seventy-three** thousand ~~eight~~ **nine** hundred ~~eleven~~ dollars ~~(\$69,811)~~; **(\$73,900)**; and

(B) in 2009, **seventy-seven thousand dollars (\$77,000)**.

(2) The guaranteed primetime amount for a school corporation is the primetime allocation, before any penalty is assessed under this chapter, that the school corporation would have received under this chapter for the 1999 calendar year or the first year of participation in the program, whichever is later.

(3) The following apply to determine whether amounts received under this chapter have been devoted to reducing class size in kindergarten through grade 3 as required by section 2 of this chapter:

(A) Except as permitted under section 8 of this chapter, only a licensed teacher who is an actual classroom teacher in a regular instructional program is counted as a teacher.

(B) If a school corporation is granted approval under section 8 of this chapter, the school corporation may include as one-third (1/3) of a teacher each classroom instructional aide who meets qualifications and performs duties prescribed by the state board.

SECTION 95. IC 20-43-9-6, AS ADDED BY P.L.2-2006,

SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. A school corporation's primetime distribution for a calendar year under this chapter is the amount determined by the following formula:

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and two-tenths (1.2) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by one-tenth (0.1).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the ADM of the school corporation in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the total target revenue for ~~2006 and 2007 the year~~ multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's total ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the ADM of the school corporation in kindergarten through grade 3 for the current school year.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's guaranteed primetime amount.

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this chapter in the previous calendar year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous calendar year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

SECTION 96. IC 20-45-1-13.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 13.6. "Growing school supplemental levy" is the amount determined under IC 20-45-3-12.**

SECTION 97. IC 20-45-3-3, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2008]: Sec. 3. The following amounts must be determined under this chapter to calculate a school corporation's maximum permissible tuition support levy for a calendar year:

(1) The school corporation's foundation amount revenue for the calendar year under section 4 of this chapter.

(2) The school corporation's tax rate floor for the calendar year under section 5 of this chapter.

(3) The school corporation's target property tax rate for the calendar year under section 6 of this chapter.

(4) The school corporation's adjusted target property tax rate for a calendar year under section 7 of this chapter.

(5) The school corporation's equalization tax rate limit for a calendar year under section 8 of this chapter.

(6) The school corporation's equalization tax rate for a calendar year under section 9 of this chapter.

(7) The school corporation's equalized levy for a calendar year under section 10 of this chapter.

(8) The growing school supplemental levy for a calendar year under section 12 of this chapter.

SECTION 98. IC 20-45-3-5, AS AMENDED BY P.L.162-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A school corporation's tax rate floor is the tax rate determined under this section.

(b) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is not equal to the school corporation's foundation amount revenue for a calendar year. The school corporation's tax rate floor for the calendar year is the result under STEP SIX of the following formula:

STEP ONE: Divide the school corporation's total assessed value by the school corporation's current ADM.

STEP TWO: Divide the STEP ONE result by ten thousand (10,000).

STEP THREE: Determine the greater of the following:

(A) The STEP TWO result.

(B) ~~Thirty-six~~ **Forty-six** dollars and ~~thirty cents~~ **(\$36.30): (\$46).**

STEP FOUR: Determine the result under clause (B):

(A) Subtract the school corporation's foundation amount revenue for the calendar year from the school corporation's guaranteed minimum revenue for the calendar year.

(B) Divide the clause (A) result by the school corporation's current ADM.

STEP FIVE: Divide the STEP FOUR result by the STEP THREE result.

STEP SIX: Divide the STEP FIVE result by one hundred (100).

(c) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is equal to the school corporation's foundation amount revenue for a calendar year and the STEP ONE result is greater than zero (0). The school corporation's tax rate floor for the calendar year is the result under STEP SEVEN of the following formula:

STEP ONE: Add the following:

(A) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(B) The part of the unadjusted tuition support levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

STEP TWO: Divide the STEP ONE result by the school corporation's current ADM.

STEP THREE: Divide the school corporation's total assessed value by the school corporation's current ADM.

STEP FOUR: Divide the STEP THREE result by ten thousand (10,000).

STEP FIVE: Determine the greater of the following:

(A) The STEP FOUR result.

(B) ~~Thirty-six~~ **Forty-six dollars and thirty cents (\$36.30): (\$46).**

STEP SIX: Divide the STEP TWO result by the STEP FIVE amount.

STEP SEVEN: Divide the STEP SIX result by one hundred (100).

SECTION 99. IC 20-45-3-6, AS AMENDED BY P.L.162-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. ~~(a)~~ A school corporation's target property tax rate for a calendar year is the sum of:

(1) in:

(A) ~~2006, seventy-two cents (\$0.72); and~~

(B) ~~2007, the greater of:~~

(i) ~~seventy-two and ninety-two hundredths cents (\$0.7292); or~~

(ii) ~~the rate determined under subsection (b);~~

(A) **2008, sixty-six and one tenth cents (\$0.661); or**

(B) **2009, sixty-four and nine-tenths cents (\$0.649);** plus

(2) if applicable, the school corporation's minimum equalization tax rate.

~~(b) If using the best information available to the department of local government finance; the department of local government finance determines that the result of:~~

~~(1) the lesser of:~~

~~(A) two billion thirty-five million nine hundred thousand dollars (\$2,035,900,000); or~~

~~(B) the result of:~~

~~(i) the sum of the tuition support levies certified by the department of local government finance for all school corporations for 2006; multiplied by~~

~~(ii) one and forty-one thousandths (1.041); minus~~

~~(2) the sum of all maximum permissible tuition support levies for all school corporations in 2007; as determined by using the tax rate specified in subsection (a)(1)(B)(i);~~

~~would exceed one million dollars (\$1,000,000) in 2007; the department of local government finance, shall, before February 16, 2007, adjust the tax rate used in subsection (a)(1)(B) for 2007 so that the difference determined by subtracting the sum of all maximum permissible tuition support levies (as defined in IC 20-45-1-15) for all school corporations determined by using the adjusted tax rate from the amount determined under subdivision (1) does not exceed one million dollars (\$1,000,000). To carry out this subsection the department of local government finance may increase a school corporation's tax rate and levy to a rate and amount that exceeds the rate originally advertised or fixed by the school corporation. Before adjusting a tax rate under this subsection, the department of local government finance shall review the recommendations of the department of education and the budget agency.~~

SECTION 100. IC 20-45-3-8, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. A school corporation's equalization tax rate limit for a calendar year is the result of:

(1) the school corporation's adjusted target property tax rate; minus

(2) the school corporation's previous year property tax rate, **excluding the part of the tax rate imposed for a growing school supplemental levy.**

SECTION 101. IC 20-45-3-9, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) A school corporation's equalization tax rate for a calendar year is the tax

rate determined under this section.

(b) If the school corporation's adjusted target property tax rate exceeds the school corporation's previous year property tax rate, the school corporation's equalization tax rate for a calendar year is the school corporation's previous year property tax rate **(excluding the part of the tax rate imposed for a growing school supplemental levy)** after increasing the rate by the lesser of:

(1) the school corporation's equalization tax rate limit for the calendar year; or

(2) three cents (\$0.03).

(c) If the school corporation's adjusted target property tax rate is less than the school corporation's previous year property tax rate, the school corporation's equalization tax rate for a calendar year is the school corporation's previous year property tax rate **(excluding the part of the tax rate imposed for a growing school supplemental levy)** after reducing the rate by the lesser of:

(1) the absolute value of the school corporation's equalization tax rate limit; or

(2) eight cents (\$0.08).

(d) If the school corporation's adjusted target property tax rate equals the school corporation's previous year property tax rate, the school corporation's equalization tax rate for a calendar year is the school corporation's adjusted target property tax rate.

SECTION 102. IC 20-45-3-11, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. A school corporation's tuition support levy for a calendar year is the sum of the following:

(1) The school corporation's equalized levy for the calendar year.

(2) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(3) The part of the maximum permissible tuition support levy for the year that equals the original amount of the levy by the school corporation to cover the costs of opening a new school facility or reopening an existing facility during the preceding year.

(4) The amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the target revenue per ADM for each charter school that included at least one (1) student who has legal settlement in the school corporation in the charter school's current ADM.

STEP TWO: For each charter school, multiply the STEP ONE amount by the number of students who have legal settlement in the school corporation and who are included in the charter school's current ADM.

STEP THREE: Determine the sum of the STEP TWO amounts.

STEP FOUR: Multiply the STEP THREE amount by thirty-five hundredths (0.35).

(5) If applicable, the school corporation's growing school supplemental levy.

SECTION 103. IC 20-45-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. **(a) A school corporation's growing school supplemental levy for a particular year is:**

(1) the amount determined under subsection (b) if the current ADM of the school corporation divided by the school corporation's ADM for the immediately preceding year is greater than one and five hundredths (1.05); and

(2) zero (0) if subdivision (1) does not apply.

(b) For a school corporation to which this subsection

applies, the growing school supplemental levy for a year is equal to the result determined under STEP THREE of the following formula:

STEP ONE: Determine the result of:

- (A) the school corporation's current ADM; minus
- (B) the result of the school corporation's ADM for the immediately preceding year multiplied by one and five hundredths (1.05).

STEP TWO: Multiply the school corporation's target revenue per ADM by the STEP ONE amount.

STEP THREE: Determine the sum of the STEP TWO amount and the school corporation's supplemental levy for the previous year.

SECTION 104. IC 20-46-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) If:**

- (1) a school corporation enters into a lease agreement with the Indiana bond bank for the lease of one (1) or more school buses under IC 5-1.5-4-1(a)(5);
- (2) the lease agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under section 9 of this chapter; and
- (3) in the first full fiscal year after the effective date of the lease agreement, there would otherwise be a reduction in the levy in an amount equal to the difference between the total purchase price of such bus or buses and the total rental payment due under the lease agreement;

the levy in that fiscal year may not be reduced by the amount of the reduction.

(b) Any or all of the amount of that part of the levy may, on or before the end of the year of its collection, be:

- (1) retained in the fund;
- (2) transferred to the school transportation fund established under IC 20-40-6-4; or
- (3) transferred to the capital projects fund established under IC 20-40-8-6.

SECTION 105. IC 22-4-26-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a)** Money credited to the account of this state in the unemployment trust fund by the Secretary of the Treasury of the United States pursuant to 42 U.S.C. 1103, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this article and public employment offices pursuant to a specific appropriation by the general assembly, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation statute which:

- (1) specifies the purposes for which such money is appropriated and the amounts appropriated therefor;
- (2) except as provided in subsection (i), limits the period within which such money may be obligated to a period ending not more than two (2) years after the date of the enactment of the appropriation statute; and
- (3) limits the total amount which may be obligated during a twelve (12) month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which:

(A) the aggregate of the amounts credited to the account of this state pursuant to 42 U.S.C. 1103, as amended, during such twelve (12) month period and the twenty-four (24) preceding twelve (12) month periods; exceeds

(B) the aggregate of the amounts obligated by this state pursuant to this section and amounts paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five (25) twelve (12) month periods.

(b) For the purposes of this section, amounts obligated by this

state during any such twelve (12) month period shall be charged against equivalent amounts which were first credited and which have not previously been so charged, except that no amount obligated for administration of this article and public employment offices during any such twelve (12) month period may be charged against any amount credited during such twelve (12) month period earlier than the fourteenth preceding such twelve (12) month period.

(c) Amounts credited to the account of this state pursuant to 42 U.S.C. 1103, as amended, may not be obligated except for the payment of cash benefits to individuals with respect to their unemployment and for the payment of expenses incurred for the administration of this article and public employment offices pursuant to this section.

(d) Money appropriated as provided in this section for the payment of expenses incurred for the administration of this article and public employment offices pursuant to this section shall be requisitioned as needed for payment of obligations incurred under such appropriation and upon requisition shall be deposited in the employment and training services administration fund but, until expended, shall remain a part of the unemployment insurance benefit fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is for any reason not to be expended for the purpose for which it was appropriated, or if it remains unexpended at the end of the period specified by the statute appropriating such money, it shall be withdrawn and returned to the Secretary of the Treasury of the United States for credit to this state's account in the unemployment trust fund.

(e) There is appropriated out of the funds made available to Indiana under Section 903 of the Social Security Act, as amended by Section 209 of the Temporary Extended Unemployment Compensation Act of 2002 (which is Title II of the federal Jobs Creation and Worker Assistance Act of 2002, Pub.L107-147), seventy-two million two hundred thousand dollars (\$72,200,000) to the department of workforce development. The appropriation made by this subsection is available for ten (10) state fiscal years beginning with the state fiscal year beginning July 1, 2003. Unencumbered money at the end of a state fiscal year does not revert to the state general fund.

(f) Money appropriated under subsection (e) is subject to the requirements of IC 22-4-37-1.

(g) Money appropriated under subsection (e) may be used only for the following purposes:

- (1) The administration of the Unemployment Insurance (UI) program and the Wagner Peyser public employment office program.
- (2) Acquiring land and erecting buildings for the use of the department of workforce development.
- (3) Improvements, facilities, paving, landscaping, and equipment repair and maintenance that may be required by the department of workforce development.

(h) In accordance with the requirements of subsection (g), the department of workforce development may allocate up to the following amounts from the amount described in subsection (e) for the following purposes:

- (1) Thirty-nine million two hundred thousand dollars (\$39,200,000) to be used for the modernization of the Unemployment Insurance (UI) system beginning July 1, 2003, and ending June 30, 2013.
- (2) For:

(A) the state fiscal year beginning after June 30, 2003, and ending before July 1, 2004, five million dollars (\$5,000,000);

(B) the state fiscal year beginning after June 30, 2004, and ending before July 1, 2005, five million dollars (\$5,000,000);

(C) the state fiscal year beginning after June 30, 2005,

and ending before July 1, 2006, five million dollars (\$5,000,000);

(D) the state fiscal year beginning after June 30, 2006, and ending before July 1, 2007, five million dollars (\$5,000,000); ~~and~~

(E) the state fiscal year beginning after June 30, 2007, and ending before July 1, 2008, five million dollars (\$5,000,000); **and**

(F) state fiscal years beginning after June 30, 2008, and ending before July 1, 2012, the unused part of any amount allocated in any year for any purpose under this subsection;

for the JOBS proposal to meet the workforce needs of Indiana employers in high wage, high skill, high demand occupations.

(3) For:

(A) the state fiscal year beginning after June 30, 2003, and ending before July 1, 2004, four million dollars (\$4,000,000);

(B) the state fiscal year beginning after June 30, 2004, and ending before July 1, 2005, four million dollars (\$4,000,000);

to be used by the workforce investment boards in the administration of Indiana's public employment offices.

(i) The amount appropriated under subsection (e) for the payment of expenses incurred in the administration of this article and public employment is not required to be obligated within the two (2) year period described in subsection (a)(2).

SECTION 106. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(5) A highway work zone fee (IC 33-37-5-14).

(6) A deferred prosecution fee (IC 33-37-5-17).

(7) A jury fee (IC 33-37-5-19).

(8) A document storage fee (IC 33-37-5-20).

(9) An automated record keeping fee (IC 33-37-5-21).

(10) A late payment fee (IC 33-37-5-22).

(11) A public defense administration fee (IC 33-37-5-21.2).

(12) A judicial insurance adjustment fee (IC 33-37-5-25).

(13) A judicial salaries fee (IC 33-37-5-26).

(14) A court administration fee (IC 33-37-5-27).

(15) A DNA sample processing fee (IC 33-37-5-26.2).

(16) A speeding violation fee (IC 33-37-5-30).

(17) A passenger restraint violation fee (IC 33-37-5-31).

(18) A driving while a license is suspended fee (IC 33-27-5-32).

(19) A driving while intoxicated and endangering a person fee (IC 33-37-5-33).

(20) A disregard for stop sign fee (IC 33-37-5-34).

(21) A disregard of traffic signal fee (IC 33-37-5-35).

(22) A driving while intoxicated fee (IC 33-37-5-36).

(23) A child restraint violation fee (IC 33-37-5-37).

(24) A disregard of traffic control device fee (IC 33-37-5-38).

(25) A prior operating under the influence fee (IC 33-37-5-39).

(26) A following too closely fee (IC 33-37-5-40).

(27) A reckless driving fee (IC 33-37-5-41).

(28) An unsafe lane movement fee (IC 33-37-5-42).

(29) A yield sign violation fee (IC 33-37-5-43).

(30) An improper turn at intersection fee (IC 33-37-5-44).

(31) A driving left of center fee (IC 33-37-5-45).

(32) An offense relating to controlled substances while using a motor vehicle fee (IC 33-37-5-46).

(33) A passing in a no passing zone fee (IC 33-37-5-47).

(34) A driving on the wrong side of the road fee (IC 33-37-5-48).

(35) A driving the wrong way on a one-way road fee (IC 33-37-5-49).

(36) An improper passing fee (IC 33-37-5-50).

(37) An open container fee (IC 33-37-5-51).

(38) An improper passing to the left of the center line fee (IC 33-37-5-52).

(39) An operating a vehicle with a controlled substance fee (IC 33-37-5-53).

(40) An operating a vehicle while intoxicated resulting in injury fee (IC 33-37-5-54).

(41) A failure to stop at an accident fee (IC 33-37-5-55).

(42) A zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee (IC 33-37-5-56).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

(1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

(3) The deferral program fee subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

(1) The defendant was charged with an ordinance violation subject to IC 33-36.

(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 107. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 30. (a) This section applies to infractions committed under IC 9-21-5.**

(b) The clerk shall collect a speeding fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-5.

SECTION 108. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) This section applies to infractions committed under IC 9-19-10.

(b) The clerk shall collect a passenger restraint fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-10.

SECTION 109. IC 33-37-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) This section applies to infractions committed under IC 9-24-19-1.

(b) The clerk shall collect a driving while a license is suspended fee of eighteen dollars (\$18) for each infraction committed under IC 9-24-19-1.

SECTION 110. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) This section applies to misdemeanors committed under IC 9-30-5-2.

(b) The clerk shall collect a driving while intoxicated and endangering a person fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-2.

SECTION 111. IC 33-37-5-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) This section applies to infractions committed under IC 9-21-8-32.

(b) The clerk shall collect a disregard for stop sign fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-32.

SECTION 112. IC 33-37-5-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35. (a) This section applies to infractions committed under IC 9-21-3-7.

(b) The clerk shall collect a disregard of traffic signal fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-3-7.

SECTION 113. IC 33-37-5-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 36. (a) This section applies to misdemeanors committed under IC 9-30-5-1.

(b) The clerk shall collect a driving while intoxicated fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1.

SECTION 114. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37. (a) This section applies to infractions committed under IC 9-19-11-2.

(b) The clerk shall collect a child restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-11-2.

SECTION 115. IC 33-37-5-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 38. (a) This section applies to infractions committed under IC 9-21-8-41.

(b) The clerk shall collect a disregard of traffic control device fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-41.

SECTION 116. IC 33-37-5-39 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) This section applies to felonies committed under IC 9-30-5-3.

(b) The clerk shall collect a prior operating while intoxicated fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-3.

SECTION 117. IC 33-37-5-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 40. (a) This section applies to infractions committed under IC 9-21-8-14.

(b) The clerk shall collect a following too closely fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-14.

SECTION 118. IC 33-37-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 41. (a) This section applies to misdemeanors committed under IC 9-21-8-52.

(b) The clerk shall collect a reckless driving fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-21-8-52.

SECTION 119. IC 33-37-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 42. (a) This section applies to infractions committed under IC 9-21-8-11.

(b) The clerk shall collect an unsafe lane movement fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-11.

SECTION 120. IC 33-37-5-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) This section applies to infractions committed under IC 9-21-8-30.

(b) The clerk shall collect a yield sign violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-30.

SECTION 121. IC 33-37-5-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 44. (a) This section applies to infractions committed under IC 9-21-8-21.

(b) The clerk shall collect an improper turn at intersection fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-21.

SECTION 122. IC 33-37-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect the following a seven dollar (\$7) automated record keeping fee.

(1) Seven dollars (\$7) after June 30, 2003, and before July 1, 2009;

(2) Four dollars (\$4) after June 30, 2009;

SECTION 123. IC 33-37-5-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 45. (a) This section applies to infractions committed under IC 9-21-8-4.

(b) The clerk shall collect a driving left of center fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-4.

SECTION 124. IC 33-37-5-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 46. (a) This section applies to misdemeanors and felonies under IC 35-48-4-15.

(b) The clerk shall collect an offense relating to controlled substances while using a motor vehicle fee of eighteen dollars (\$18) for each misdemeanor committed under IC 35-48-4-15.

SECTION 125. IC 33-37-5-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 47. (a) This section applies to infractions committed under IC 9-21-4-12.

(b) The clerk shall collect a passing in a no passing zone fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-4-12.

SECTION 126. IC 33-37-5-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 48. (a) This section applies to infractions committed under IC 9-21-8-2.

(b) The clerk shall collect a driving on the wrong side of the road fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-2.

SECTION 127. IC 33-37-5-49 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49. (a) This section applies to infractions committed under IC 9-21-8-9.**

(b) The clerk shall collect a driving the wrong way on a one-way road fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-9.

SECTION 128. IC 33-37-5-50 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 50. (a) This section applies to infractions committed under IC 9-21-8-5.**

(b) The clerk shall collect an improper passing fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-5.

SECTION 129. IC 33-37-5-51 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 51. (a) This section applies to infractions committed under IC 9-30-15-3.**

(b) The clerk shall collect an open container fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-15-3.

SECTION 130. IC 33-37-5-52 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 52. (a) This section applies to infractions committed under IC 9-21-8-7.**

(b) The clerk shall collect an improper passing to the left of the center line fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-7.

SECTION 131. IC 33-37-5-53 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 53. (a) This section applies to misdemeanors committed under IC 9-30-5-1(c).**

(b) The clerk shall collect an operating a vehicle with a controlled substance fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1(c).

SECTION 132. IC 33-37-5-54 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 54. (a) This section applies to felonies committed under IC 9-30-5-4.**

(b) The clerk shall collect an operating a vehicle while intoxicated resulting in injury fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-4.

SECTION 133. IC 33-37-5-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 55. (a) This section applies to misdemeanors and felonies committed under IC 9-26-1-1(1).**

(b) The clerk shall collect a failure to stop at an accident fee of eighteen dollars (\$18) for each misdemeanor or felony committed under IC 9-26-1-1(1).

SECTION 134. IC 33-37-5-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 56. (a) This section applies to infractions committed under IC 9-30-5-8.5.**

(b) The clerk shall collect a zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-5-8.5.

SECTION 135. IC 33-37-7-2, AS AMENDED BY P.L.174-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 4-23-25-11(i) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of a circuit court shall distribute monthly to the auditor of state:

(1) the speeding fee collected under IC 33-37-5-30;

(2) the passenger restraint fee collected under IC 33-37-5-31;

(3) a driving while a license is suspended fee under IC 33-37-5-32;

(4) a driving while intoxicated and endangering a person fee under IC 33-37-5-33;

(5) a disregard for stop sign fee under IC 33-37-5-34;

(6) a disregard of traffic signal fee under IC 33-37-5-35;

(7) a driving while intoxicated fee under IC 33-37-5-36;

(8) a child restraint violation fee under IC 33-37-5-37;

(9) a disregard of traffic control device fee under IC 33-37-5-38;

(10) a prior operating while intoxicated fee under IC 33-37-5-39;

(11) a following too closely fee under IC 33-37-5-40;

(12) a reckless driving fee under IC 33-37-5-41;

(13) an unsafe lane movement fee under IC 33-37-5-42;

(14) a yield sign violation fee under IC 33-37-5-43;

(15) an improper turn at intersection fee under IC 33-37-5-44;

(16) a driving left of center fee under IC 33-37-5-45;

(17) an offense relating to controlled substances while using a motor vehicle fee under IC 33-37-5-46;

(18) a passing in a no passing zone fee under IC 33-37-5-47;

(19) a driving on the wrong side of the road fee under IC 33-37-5-48;

(20) a driving the wrong way on a one-way road fee under IC 33-37-5-49;

(21) an improper passing fee under IC 33-37-5-50;

(22) an open container fee under IC 33-37-5-51;

(23) an improper passing to the left of the center line fee under IC 33-37-5-52;

(24) an operating a vehicle with a controlled substance fee under IC 33-37-5-53;

(25) an operating a vehicle while intoxicated resulting in injury fee under IC 33-37-5-54;

(26) a failure to stop at an accident fee under IC 33-37-5-55; and

(27) a zero tolerance for individuals under the age of twenty-one (21) who drive under the influence fee under IC 33-37-5-56;

for deposit in the spinal cord and brain injury fund established by IC 16-41-42-4.

SECTION 136. IC 34-30-2-83.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 83.5. IC 16-41-42-6 (Concerning members of the spinal cord and brain injury research board).**

SECTION 137. IC 35-38-4-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) This section applies to state reimbursement of expenses for conducting a new trial if:**

(1) a defendant is convicted of an offense in a criminal proceeding conducted in a trial court;

(2) the defendant appeals the defendant's conviction to the Indiana court of appeals or Indiana supreme court; and

(3) the court of appeals or supreme court remands the case to the trial court for a new trial.

(b) The state shall reimburse the trial court, the prosecuting attorney, and, if the defendant is represented by a public defender, the public defender for expenses:

(1) incurred by the trial court, prosecuting attorney, and public defender in conducting a new trial described in subsection (a); and

(2) that would ordinarily be paid by the county in which the trial court is located.

(c) The expenses of a trial court, prosecuting attorney, and public defender reimbursed under this section:

(1) may not include any salary or other remuneration paid to a trial court judge, prosecuting attorney, deputy prosecuting attorney, or public defender; and

(2) must be paid from money in the state general fund.

SECTION 138. IC 36-7-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. (a) As used in this chapter, "commission" refers to the historic hotel preservation commission established by an interlocal agreement under section 3 of this chapter.**

(b) Except as provided in section 11 of this chapter, "fund" refers to the community trust fund established by section 8 of this chapter.

(a) As used in this chapter, "advisory board" refers to the Orange County development advisory board established by section 12 of this chapter.

(b) As used in this chapter, "development commission" refers to the Orange County development commission established by section 3.5 of this chapter.

(c) As used in this chapter, "historic hotel" has the meaning set forth in IC 4-33-2-11.1.

(d) As used in this chapter, "hotel riverboat resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the riverboat enterprise located in Orange County.

(e) As used in this chapter, "qualified historic hotel" refers to a historic hotel that has an atrium that includes a dome that is at least two hundred (200) feet in diameter.

SECTION 139. IC 36-7-11.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. (a) The Orange County development commission is established.

(b) The development commission consists of the following members:

- (1) An individual appointed by the legislative body of Orange County.
- (2) An individual appointed by the legislative body of the town of French Lick.
- (3) An individual appointed by the legislative body of the town of West Baden.
- (4) An individual appointed by the legislative body of the town of Paoli.
- (5) An individual appointed by the legislative body of the town of Orleans.
- (6) A nonvoting member appointed by the governor.

(c) The members of the development commission shall each serve for a term of three (3) years. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) Each member of the development commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
- (2) Provide a bond to the state:
 - (A) for twenty-five thousand dollars (\$25,000); and
 - (B) that is, after being executed and approved, recorded in the office of the secretary of state.

(e) A member of the development commission is not entitled to a salary per diem. However, a member is entitled to reimbursement for travel expenses incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(f) An individual who is an employee of a county or town described in subsection (b) may not be appointed to the development commission until at least three (3) years after the date the individual's employment with the county or town is terminated.

(g) An individual who is a member of any other board serving a county or town described in subsection (b) may not be appointed to the development commission until at least three (3) years after the date the individual's membership on the board expires.

(h) An individual who is:

- (1) employed by the hotel riverboat resort or an affiliated business;
- (2) contracted or hired to provide personal property or perform a service for the hotel riverboat resort or an

affiliated business; or

(3) engaged in any other form of a business relationship with the hotel riverboat resort or an affiliated business; may not be appointed to the development commission until at least three (3) years after the date on which the individual's employment or business relationship with the hotel riverboat resort or an affiliated business is terminated.

SECTION 140. IC 36-7-11.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The development commission shall elect from its membership a chairperson and vice chairperson, who shall serve for one (1) year and may be reelected.

(b) The development commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. Four (4) Three (3) voting members constitute a quorum of the commission. No action may be taken by the development commission unless a majority of the voting members appointed to the development commission vote in favor of taking the action.

(c) All meetings of the development commission must be open to the public, and a public record of the development commission's resolutions, proceedings, and actions must be kept.

(d) The development commission shall employ an administrator who shall act as the commission's secretary. If the commission does not have an administrator, the commission shall elect a secretary from its membership.

(e) The development commission shall hold regular meetings, at least monthly, except when it has no business pending.

SECTION 141. IC 36-7-11.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Money acquired by the development commission is subject to the laws concerning the deposit and safekeeping of public money.

(b) The money of the development commission and the accounts of each officer, employee, or other person entrusted by law with the raising, disposition, or expenditure of the money or part of the money are subject to examination by the state board of accounts.

SECTION 142. IC 36-7-11.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as otherwise specified in this chapter, The development commission has all of the powers and responsibilities of a historic preservation commission established under IC 36-7-11.

(b) The commission shall do the following:

(1) Designate a fiscal agent who must be the fiscal officer of one (1) of the towns to which this chapter applies.

(2) Employ an administrator and other professional staff necessary to assist the commission in carrying out its duties.

(3) Facilitate and coordinate the development of Orange County.

(4) Serve as a liaison between the riverboat located in a historic hotel district and the political subdivisions located in Orange County.

(5) Facilitate and coordinate the appropriate development of the historical environment of the towns of French Lick and West Baden.

(b) The development commission may do the following:

(1) Engage consultants, attorneys, accountants, and other professionals necessary to carry out the development commission's duties.

(2) Jointly approve, with the Indiana gaming commission, the location and exterior design of a riverboat to be operated in the historic hotel district.

(3) Make recommendations to the Indiana gaming commission concerning the selection of an operating agent (as defined in IC 4-33-2-14.5) that the commission believes with:

(A) promote the most economic development in the area

surrounding the historic hotel district; and
 (B) best serve the interests of the residents of the county in which the historic hotel district is located and all other citizens of Indiana.

(6) Make recommendations to the Indiana gaming commission concerning the operation and management of the riverboat to be operated in the county.

(2) Award grants and low interest loans to promote the development of Orange County under this chapter.

(c) This section does not limit the powers of the Indiana gaming commission with respect to the administration and regulation of riverboat gaming under IC 4-33.

(c) The development commission shall:

- (1) promote economic development;
- (2) attract new business;
- (3) improve housing; and
- (4) engage in any other activity that promotes the development of Orange County.

SECTION 143. IC 36-7-11.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

(b) The West Baden Springs historic hotel preservation and maintenance fund is established. The fund consists of the following:

- (1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6(c), and IC 4-33-13-5(b).
- (2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities that the department considers appropriate.
- (3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.
- (4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

The fund shall be administered by the department of natural resources. The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) No money may be appropriated from the fund except as provided in this subsection. The general assembly may appropriate interest accruing to the fund to the department of natural resources only for the following purposes:

- (1) To maintain the parts of a qualified historic hotel that were restored before July 1, 2003.
- (2) To maintain the grounds surrounding a qualified historic hotel.

No money may be appropriated from the fund for restoration purposes if the restoration is to occur after July 1, 2003.

SECTION 144. IC 36-7-11.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The Orange County development advisory board is established for the purpose of advising the development commission established under section 3.5 of this chapter.

(b) The advisory board consists of six (6) members appointed as follows:

- (1) One (1) individual appointed by the speaker of the house of representatives.
- (2) One (1) individual appointed by the president pro tempore of the senate.
- (3) One (1) individual appointed by the Orange County convention and visitors bureau.

(4) Two (2) individuals appointed by the chief operating officer of the hotel riverboat resort.

(5) One (1) individual appointed by the Historic Landmarks Foundation of Indiana.

(c) Except as provided in subsection (d), the members of the advisory board shall each serve for a term of four (4) years. A vacancy shall be filled for the duration of the term by the original appointing authority.

(d) The member appointed under subsection (b)(3) shall serve an initial term of one (1) year. As determined by the appointing authority, the two (2) members appointed under subsection (b)(4) shall serve initial terms of two (2) and three (3) years respectively.

(e) A member of the advisory board is not entitled to a salary per diem. However, a member is entitled to reimbursement for travel expenses incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 145. IC 36-7-11.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) An individual may apply for a grant or low interest loan on a form prescribed by the development commission.

(b) A form prescribed by the development commission must be designed to be read and easily understood by the ordinary individual.

SECTION 146. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 36-7-11.5-3; IC 36-7-11.5-4; IC 36-7-11.5-8; IC 36-7-11.5-9; IC 36-7-11.5-10.

SECTION 147. IC 20-40-6-5 IS REPEALED [EFFECTIVE JANUARY 1, 2008].

SECTION 148. P.L.246-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 36. (a) If the budget director determines at any time during the biennium that the executive branch of state government cannot meet its statutory obligations due to insufficient funds in the general fund, then notwithstanding IC 4-10-18, the budget agency, with the approval of the governor and after review by the budget committee, may transfer from the counter-cyclical revenue and economic stabilization fund to the general fund an amount necessary to maintain a positive balance in the general fund.

(b) The budget agency shall transfer one hundred million dollars (\$100,000,000) into the counter-cyclical revenue and economic stabilization fund during the state fiscal year ending June 30, 2007, unless the budget agency determines there is an insufficient balance in the general fund to make the transfer.

(c) (b) This SECTION expires July 2, 2007.

SECTION 149. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "board" refers to the spinal cord and brain injury research board created by IC 16-41-42-6, as added by this act.

(b) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(1), IC 16-42-41-6(c)(1), and IC 16-42-41-6(c)(2), as added by this act, are appointed for a term of four (4) years.

(c) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(c)(3) and IC 16-41-42-6(c)(4), as added by this act, are appointed for a term of three (3) years.

(d) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(4) and IC 16-41-42-6(c)(5), as added by this act, are appointed for a term of two (2) years.

(e) Notwithstanding IC 16-41-42-6, as added by this act, members initially appointed to the board under IC 16-41-42-6(b)(2) and IC 16-41-42-6(b)(3), as added by this act, are appointed for a term of one (1) year.

(f) This SECTION expires July 1, 2011.

SECTION 150. [EFFECTIVE JULY 1, 2007] (a) IC 4-33-12-6, as amended by this act, applies to riverboat admissions taxes remitted by an operating agent after June 30, 2007.

(b) IC 4-33-13-5, as amended by this act, applies to riverboat wagering taxes remitted by an operating agent after June 30, 2007.

SECTION 151. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "commission" means a historic hotel preservation commission established under IC 36-7-11.5.

(b) As used in this SECTION, "local development agreement" refers to the local development agreement:

(1) entered into by:

- (A) the town of French Lick;
- (B) the town of West Baden Springs;
- (C) Orange County;
- (D) the commission; and
- (E) Blue Sky Casino, LLC; and

(2) dated July 28, 2005.

(c) Notwithstanding any other law, the commission is abolished on July 1, 2007.

(d) Notwithstanding any other law, the term of office of a member of the commission serving on June 30, 2007, terminates July 1, 2007.

(e) Any balance remaining on June 30, 2007, in the community trust fund established under IC 36-7-11.5-8 (before its repeal by this act) is transferred to the Orange County development commission established by IC 36-7-11.5-3.5, as added by this act.

(f) On July 1, 2007, all records and property of the commission are transferred to the Orange County development commission established under IC 36-7-11.5-3.5, as added by this act.

(g) Except as provided in subsection (h), an unfulfilled financial commitment made by the commission is void on July 1, 2007.

(h) The Orange County development commission shall assume the following:

- (1) The commission's commitments to the French Lick Municipal Airport.
- (2) The commission's obligations to reimburse the towns of French Lick and West Baden Springs for adjusted gross receipts revenue allocated to Orange County as set forth in Section 2.01(b) of the local development agreement.

(i) This act does not affect the validity of a historic hotel district established in Orange County before January 1, 2007, under IC 36-7-11.5-2.

SECTION 152. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "commission" refers to the commission on disproportionality in youth services.

(b) As used in this SECTION, "youth services" means the following:

- (1) Juvenile justice services.
- (2) Child welfare services.
- (3) Education services.
- (4) Mental health services.

(c) The commission on disproportionality in youth services is established to develop and provide an implementation plan to evaluate and address disproportionate representation of youth of color in the use of youth services.

(d) The commission consists of the following members appointed not later than August 15, 2007:

- (1) The dean or a faculty member of an Indiana accredited graduate school of public administration, social work, education, mental health, or juvenile justice, who shall serve as chairperson of the commission.
- (2) The state superintendent of public instruction, or

the superintendent's designee.

(3) The director of the division of mental health and addiction, or the director's designee.

(4) The executive director of the Indiana criminal justice institute, or the executive director's designee.

(5) The director of the department of child services, or the director's designee.

(6) The commissioner of the department of correction, or the commissioner's designee.

(7) A division of child services county director from a densely populated county.

(8) A faculty member of an Indiana accredited college or university that offers undergraduate degrees in public administration, social work, education, mental health, or juvenile justice.

(9) A prosecuting attorney.

(10) A juvenile court judge.

(11) An attorney who specializes in juvenile law.

(12) A representative of the Indiana Minority Health Coalition.

(13) A health care provider who specializes in pediatric or emergency medicine.

(14) A public agency family case manager.

(15) A private agency children's service social worker.

(16) A school counselor or social worker.

(17) A representative of law enforcement.

(18) A guardian ad litem, court appointed special advocate, or other child advocate.

(19) The chairperson of an established advocacy group in Indiana that has previously investigated the issue of disproportionality in use of youth services.

(20) A young adult who has previous involvement with at least one (1) youth service.

(21) A representative of foster parents or adoptive parents.

(22) A representative of a state teacher's association or a public school teacher.

(23) A child psychiatrist or child psychologist.

(24) A representative of a family support group.

(25) A representative of the National Alliance on Mental Illness.

(26) A representative of the commission on the social status of black males.

(27) A representative of the Indiana Juvenile Detention Association.

(28) A representative of the commission on Hispanic/Latino affairs.

(29) A representative of the civil rights commission.

(30) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party and serve as nonvoting members.

(31) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party and serve as nonvoting members.

The governor shall appoint the members under subdivisions (1), (7), (10), (13), (16), (19), (22), (25), (28), and (29). The speaker of the house of representatives shall appoint the members under subdivisions (8), (11), (14), (17), (20), (23), (26), and (30). The president pro tempore of the senate shall appoint the members under subdivisions (9), (12), (15), (18), (21), (24), (27), and (31). Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

(e) Each member of the commission shall have an interest in or influence on evaluating and addressing disproportionate representation of youth of color in the use

of youth services.

(f) A majority of the voting members of the commission constitutes a quorum.

(g) The Indiana accredited graduate school represented by the chairperson of the commission under subsection (d)(1) shall staff the commission.

(h) The commission shall meet at the call of the chairperson and shall meet as often as necessary to carry out the purposes of this SECTION.

(i) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(l) The commission's responsibilities include the following:

(1) Reviewing Indiana's public and private child welfare, juvenile justice, mental health, and education service delivery systems to evaluate disproportionality rates in the use of youth services by youth of color.

(2) Reviewing federal, state, and local funds appropriated to address disproportionality in the use of youth services by youth of color.

(3) Reviewing current best practice standards addressing disproportionality in the use of youth services by youth of color.

(4) Examining the qualifications and training of youth service providers and making recommendations for a training curriculum and other necessary changes.

(5) Recommending methods to improve use of available public and private funds to address disproportionality in the use of youth services by youth of color.

(6) Providing information concerning identified unmet youth service needs and providing recommendations concerning the development of resources to meet the identified needs.

(7) Suggesting policy, program, and legislative changes related to youth services to accomplish the following:

(A) Enhancement of the quality of youth services.

(B) Identification of potential resources to promote change to enhance youth services.

(C) Reduction of the disproportionality in the use of youth services by youth of color.

(8) Preparing a report consisting of the commission's findings and recommendations, and the presentation of an implementation plan to address disproportionate representation of youth of color in use of youth services.

(m) In carrying out the commission's responsibilities, the commission shall consider pertinent studies concerning disproportionality in use of youth services by youth of color.

(n) The affirmative votes of a majority of the commission's voting members are required for the commission to take

action on any measure, including recommendations included in the report required under subsection (l)(8).

(o) The commission shall submit the report required under subsection (l)(8) to the governor and to the legislative council not later than August 15, 2008. The report to the legislative council must be in an electronic format under IC 5-14-6. The commission shall make the report available to the public upon request not later than December 1, 2008.

(p) There is appropriated from the state general fund one hundred twenty-five thousand (\$125,000) dollars for the period beginning July 1, 2007, and ending December 31, 2008, to carry out the purposes of this SECTION, including the hiring by the chairperson of an individual to serve only to assist the chairperson and members with research, statistical analysis, meeting support, and drafting of the report required under subsection (l)(8).

(q) This SECTION expires January 1, 2009.

SECTION 153. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the department of natural resources division of state parks and reservoirs eight hundred twenty-five thousand dollars (\$825,000) from the state general fund to pay the operating expenses of the dramatic production Young Abe Lincoln for the period beginning July 1, 2007, and ending June 30, 2009.

(b) This SECTION expires July 1, 2009.

SECTION 154. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the department of natural resources division of state parks and reservoirs eight hundred ten thousand dollars (\$810,000) from the state general fund to pay capital expenses incurred for the maintenance of the Lincoln State Park amphitheater for the period beginning July 1, 2007, and ending June 30, 2009.

(b) There is appropriated to the department of agriculture the following amounts from the state general fund for the following purposes beginning July 1, 2007, and ending June 30, 2009:

Acquisition of land and improvements for education outreach and development center	\$2,000,000
Total operating costs for educational outreach associated through the center	\$300,000
Total operating costs for development in conservation, bioenergy and natural resources through the center	\$300,000

(c) The money appropriated by this SECTION does not revert to the state general fund at the close of any state fiscal year but remains available to the Indiana arts commission until the purpose for which it was appropriated is fulfilled.

SECTION 155. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "commission" refers to the Indiana Abraham Lincoln bicentennial commission established by P.L.9-2005, SECTION 1.

(b) There is appropriated to the commission one million and four hundred seventy-five thousand dollars (\$1,475,000) from the state general fund to pay the operating expenses of the commission for the period beginning July 1, 2007, and ending June 30, 2009.

(c) This SECTION expires July 1, 2009.

SECTION 156. [EFFECTIVE JULY 1, 2007] (a) Except as provided in subsection (c), the trustees of Vincennes University may issue and sell bonds under IC 20-12-6, subject to the review by the budget committee required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping a center for advanced manufacturing and applied technology on the Jasper campus of Vincennes University, if the sum of principal costs of any bonds issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed eight million dollars (\$8,000,000).

(b) The foregoing project is eligible for fee replacement appropriations.

(c) Notwithstanding IC 20-12-5.5 and IC 20-12-6, no approval by the governor, the budget agency, or the commission for higher education is required for any aspect of the project or the issuance of bonds for any aspect of a project described in subsection (a). The institution is only required to obtain review by the budget committee before issuing the bonds authorized in subsection (a).

SECTION 157. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to Vincennes University five million dollars (\$5,000,000) from the state general fund for the construction of a center for advanced manufacturing in Gibson County. The center shall be owned and operated by Vincennes University. The appropriation may be used for:

- (1) the construction, furnishing, and equipping of the center;
- (2) purchasing any land necessary for the center; and
- (3) employing one (1) or more architects or engineers.

(b) If any part of the appropriation made by subsection (a) has not been allotted or encumbered before July 1, 2011, the budget agency may determine that:

- (1) the balance of the appropriation is not available for allotment;
- (2) the appropriation shall be terminated; and
- (3) the balance of the appropriation shall revert to the state general fund.

SECTION 158. [EFFECTIVE UPON PASSAGE] The trustees of Vincennes University are authorized to acquire, construct, renovate, improve, and equip a multicultural center to be funded from sources other than student fees or state funds or bonds payable from student fees or state funds if the total cost of the project does not exceed five million dollars (\$5,000,000). Notwithstanding any other law, no approval by the governor, the budget agency, or the commission for higher education or review by the budget committee is required for any aspect of the project for any aspect of a project described in this SECTION.

SECTION 159. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the Indiana arts commission one million two hundred fifty thousand dollars (\$2,250,000) from the state general fund to provide grants under IC 4-23-2.5 to:

- (1) the arts organizations that have most recently qualified for general operating support as major arts organizations as determined by the Indiana arts commission; and
- (2) the significant regional organizations that have most recently qualified for general operating support as mid-major arts organizations, as determined by the Indiana arts commission and its regional re-granting partners.

(b) The money appropriated by this SECTION does not revert to the state general fund at the close of any state fiscal year but remains available to the Indiana arts commission until the purpose for which it was appropriated is fulfilled.

(c) This SECTION expires June 30, 2009.

SECTION 160. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the Indiana University School of Medicine - South Bend ten million dollars (\$10,000,000) from the state general fund for the construction of the Cancer Research Institute. The facility shall be owned and operated by Indiana University School of Medicine - South Bend.

(b) The money appropriated by this SECTION does not revert to the state general fund at the close of any state fiscal year but remains available to Indiana University School of Medicine - South Bend until the purpose for which it was appropriated is fulfilled.

SECTION 161. [EFFECTIVE JULY 1, 2007] (a) Except as provided in subsection (d), the trustees of the following institutions may issue and sell bonds under IC 20-12-6,

subject to the review by the budget committee required by IC 20-12-5.5, for the following projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

Indiana University South Bend - Arts Building Renovation	\$19,000,000
Indiana University Bloomington - Cyber Infrastructure Building	18,300,000
Indiana University, Purdue University at Indianapolis - Neurosciences Research Building	20,000,000
Indiana University Southeast Medical Education Center A & E	1,000,000
Ivy Tech-Fort Wayne Technology Center and Demolition Costs	26,700,000
Ivy Tech - Indianapolis Community College for the Fall Creek Expansion Project	69,370,000
Ivy Tech - Lamkin Center for Instructional Development and Leadership	1,000,000
Ivy Tech - Logansport	10,500,000
Ivy Tech - Sellersburg	20,000,000
Purdue University Calumet-Gyt Building A & E	2,400,000
Purdue University North Central - Student Services & Recreation Center A & E	1,000,000
University of Southern Indiana College of Business - General Classroom Building	29,000,000
Vincennes University - Electrical Infrastructure Substation Phase II	2,000,000

The foregoing projects are eligible for fee replacement appropriations beginning after June 30, 2009.

(b) Except as provided in subsection (d), the trustees of the following institution may issue and sell bonds under IC 20-12-6, subject to the review by the budget committee required by IC 20-12-5.5, for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

Purdue University West Lafayette - Mechanical Engineering Addition	\$33,000,000
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The foregoing project is not eligible for fee replacement appropriations.

(c) Except as provided in subsection (d), the trustees of the following institution may issue and sell bonds under IC 20-12-6, subject to the review by the budget committee required by IC 20-12-5.5, for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

Purdue University West Lafayette - Boiler No. 6	\$53,000,000
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The institution shall invite bids as provided under IC 20-12-3-2. The bids shall be open to inspection by the public.

(d) Notwithstanding IC 20-12-5.5 and IC 20-12-6, no approval by the governor, the budget agency, or the

commission for higher education is required for any aspect of the project or the issuance of bonds for any aspect of a project described in subsection (a), (b), or (c). The institution is only required to obtain review by the budget committee before issuing the bonds authorized in subsection (a), (b), or (c).

SECTION 162. [EFFECTIVE UPON PASSAGE] The trustees of Indiana University may issue and sell bonds under IC 20-12-8, subject to the review by the budget committee required under IC 20-12-5.5, to provide funds for the acquisition, renovation, expansion, and improvements for the new Athletic Facilities (including all related and subordinate components of the new Athletic facilities) and may undertake the project if the total costs financed by the bond issue, excluding any amount necessary to provide money for debt service reserved, credit enhancement, or other costs incidental to the issuance of the bonds, do not exceed forty-five million dollars (\$45,000,000). Income from the property may include general athletic revenues. Notwithstanding IC 20-12-5.5 and IC 20-12-8, no approval by the governor, the budget agency, or the commission for higher education is required for any aspect of the project or the issuance of bonds for any aspect of a project described in this SECTION. The institution is only required to obtain review by the budget committee before issuing the bonds authorized in this SECTION.

SECTION 163. [EFFECTIVE JULY 1, 2007] (a) The following definitions apply throughout this SECTION:

(1) "Child services" has the meaning set forth in IC 12-19-7-1.

(2) "Net cost" refers to costs unreimbursed before January 1, 2008, from grants, fees, or other charges.

(b) The department of local government finance, with the assistance of the department of child services and the budget agency, shall determine the sum of the following for each county:

(1) The greater of zero (0) or the result of:

(A) the net cost to the county for child services provided in 2006 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2006, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund; minus

(B) the net cost to the county for child services provided in 2005 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2005, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund, as certified by the department of local government finance under IC 12-19-7-4.

(2) The greater of zero (0) or the result of:

(A) the net cost to the county for child services provided in 2007 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2007, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund; minus

(B) the net cost to the county for child services provided in 2005 that were payable from property taxes (including any balance in the county family and children's fund on January 1, 2005, that was derived from property taxes) or the proceeds of any bond, loan, or transfer to the county family and children's fund from another fund, as certified by the department of local government finance under IC 12-19-7-4.

Not later than the date that the department of local government finance certifies the property tax levies, property tax rates, and budget of a county, the department of local government finance shall certify the amount determined under this subsection to the county auditor for the county and the budget agency.

(c) The department of local government finance shall reduce the property tax levies and property tax rates that would otherwise be certified in 2008 for a county under IC 6-1.1-17-16 by the amount determined for the county under subsection (d)(2).

(d) Not later than March 1, 2008, the budget agency shall distribute to the county auditor for a county the amount determined for the county under subsection (b). An amount distributed under this subsection may be deposited and used by a county only as follows:

(1) Money distributed under this subsection must be used to pay the principal, interest, and any other costs related to retiring an obligation transferred to the county's debt service fund under this SECTION.

(2) Any money remaining after the retirement of all debt described in subdivision (1) shall be treated as part of the county's ad valorem property tax levy for 2008 and shall be used to replace revenue lost as the result of the reduction in the county's property tax levies and property tax rates under subsection (c).

(e) There is appropriated to the department of child services the amount of money necessary to make the distributions required under this SECTION from the state general fund for its use to make the distributions required under this SECTION beginning July 1, 2007, and ending June 30, 2007.

SECTION 164. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "council" means the Indiana legislative council.

(b) The council shall commission an economic analysis of Indiana's tax system. The council may contract with any entity to complete the analysis required under this SECTION.

(c) An entity entering into a contract with the council under this SECTION must study the following topics:

(1) The stability of the Indiana tax system.

(2) Equity among taxpayers.

(3) Tax elasticity.

(4) Taxpayer compliance.

(5) The transparency of the Indiana tax system.

(6) The extent to which, if any, the Indiana tax system results in market distortion.

(7) Any other topic relevant to an economic analysis of the Indiana tax system.

(d) A contract entered into under this SECTION must require the entity conducting the economic analysis of the Indiana tax system to report its findings to the council in an electronic format under IC 5-14-6 not later than June 1, 2008. The report must include the entity's recommendations for improving the Indiana tax system.

(e) This SECTION expires July 1, 2008.

SECTION 165. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) During the period beginning January 1, 2007, and ending June 30, 2007, subsection (b) applies instead of IC 6-2.5-6-9(c).

(b) This subsection applies only to retail transactions occurring after June 30, 2004. The right to a deduction under IC 6-2.5-6-9 is assignable only if the retail merchant that paid the state gross retail or use tax liability assigns the right to the deduction in writing.

(c) This SECTION expires July 1, 2007.

SECTION 166. An emergency is declared for this act.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 8.

CRAWFORD, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:40 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 137: 73 present. The Speaker declared a quorum present.

HOUSE BILLS ON SECOND READING

House Bill 1009

Representative Micon called down House Bill 1009 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1033

Representative Hoy called down House Bill 1033 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1033-1)

Mr. Speaker: I move that House Bill 1033 be amended to read as follows:

Page 1, line 7, after "radio" insert "**and smoke detectors**".

Page 1, line 11, after "radio" insert "**or smoke detector**".

Page 1, line 13, after "radio" insert "**or smoke detector**".

(Reference is to HB 1033 as printed February 16, 2007.)

RUPPEL

Motion prevailed. The bill was ordered engrossed.

House Bill 1481

Representative Kuzman called down House Bill 1481 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1085

Representative Kuzman called down House Bill 1085 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1085-1)

Mr. Speaker: I move that House Bill 1085 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-18-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who owns a semitrailer required to be registered under this chapter may register the semitrailer:

(1) on an annual basis under IC 9-18-2-7;

(2) on a five (5) year basis as provided in section 3 of this chapter; or

(3) permanently under section 3 of this chapter.

(b) The registration of a semitrailer permanently registered under section 3 of this chapter must be renewed on an annual basis.

SECTION 2. IC 9-18-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The bureau shall adopt rules under IC 4-22-2 to develop and implement a system of:

(1) registration for semitrailers for a period of five (5)

years; and

(2) permanent registration for semitrailers.

(b) The bureau shall adopt rules to prescribe the manner and form in which a person must annually renew the registration of a semitrailer permanently registered under this section.

SECTION 3. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3

IC 9-29-5

IC 9-29-9-1

IC 9-29-9-2

IC 9-29-9-3

IC 9-29-9-4

IC 9-29-9-5

IC 9-29-9-6

IC 9-29-9-7

IC 9-29-9-8

IC 9-29-9-9

IC 9-29-9-10

IC 9-29-9-11

IC 9-29-9-13

IC 9-29-9-14

IC 9-29-15-1

IC 9-29-15-2

IC 9-29-15-3

IC 9-29-15-4

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

SECTION 4. IC 9-29-3-4, AS AMENDED BY P.L.246-2005, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The service charge for each of the first twelve thousand (12,000) **original and renewed** vehicle registrations at a license branch each year is one dollar and seventy-five cents (\$1.75).

(b) The service charge for each of the next thirty-eight thousand (38,000) **original and renewed** vehicle registrations at that license branch each year is one dollar and fifty cents (\$1.50).

(c) The service charge for each additional **original or**

renewed vehicle registration at that license branch each year is one dollar and twenty-five cents (\$1.25).

(d) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(e) **A service charge that is:**

(1) originally imposed under this section; and

(2) increased by a rule adopted by the department;

applies to any original or renewed vehicle registration issued at a license branch."

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2007] (a) **The bureau of motor vehicles and the department of state revenue may continue to implement any rule or policy adopted before July 1, 2007, requiring a person that owns a semitrailer that is permanently registered under IC 9-18-10-3 to annually renew the registration.**

(b) The continued implementation of a rule or policy described in subsection (a) is considered compliance with the requirements of IC 9-18-10-2 and IC 9-18-10-3, both as amended by this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1085 as printed February 16, 2007.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1115

Representative Duncan called down House Bill 1115 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1116

Representative Cheatham called down House Bill 1116 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1140

Representative Herrell called down House Bill 1140 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1166

Representative Cochran called down House Bill 1166 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1166-1)

Mr. Speaker: I move that House Bill 1166 be amended to read as follows:

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"(7) A paved track that is used primarily in the sport of auto racing and any facilities that are adjacent to and used in connection with the operation of the track."

(Reference is to HB 1166 as printed February 14, 2007.)

T. HARRIS

Motion prevailed. The bill was ordered engrossed.

House Bill 1171

Representative Goodin called down House Bill 1171 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1192

Representative Ulmer called down House Bill 1192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1193

Representative Crawford called down House Bill 1193 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1193-1)

Mr. Speaker: I move that House Bill 1193 be amended to read as follows:

Page 1, line 2, reset in roman "(a)".

Page 1, line 2, after "(a)" insert **"As used in this section, "public utility" means a public utility (as defined in IC 8-1-2-1(a)) or any person that contracts with a municipality to operate, manage, or control any plant or equipment owned by the municipality for the input supply, treatment, or distribution of water.**

(b)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1193 as printed February 16, 2007.)

THOMPSON

Upon request of Representatives Turner and Thompson, the Speaker ordered the roll of the House to be called. Roll Call 138: yeas 46, nays 50. Motion failed. The bill was ordered engrossed.

House Bill 1478

Representative Kuzman called down House Bill 1478 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1046

Representative Dickinson called down House Bill 1046 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1204

Representative Pelath called down House Bill 1204 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1204-1)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 2, line 26, after "plastic," insert **"stone, gemstone,"**
(Reference is to HB 1204 as printed February 16, 2007.)

BUCK

Motion prevailed. The bill was ordered engrossed.

House Bill 1211

Representative VanHaaften called down House Bill 1211 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1214

Representative Pierce called down House Bill 1214 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1241

Representative Welch called down House Bill 1241 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1241-1)

Mr. Speaker: I move that House Bill 1241 be amended to read as follows:

Page 2, line 22, after "IC 25-27.5-5-6." insert **"This subdivision expires July 1, 2009."**

Page 8, line 20, after "patient." insert **"This section expires July 1, 2009."**

Page 8, line 26, after "patient." insert **"This section expires July 1, 2009."**

Page 12, line 29, after "devices." insert **"This subsection expires July 1, 2009."**

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"(g) This subsection applies after July 1, 2009. A physician assistant practicing under a temporary certificate must practice with onsite physician supervision and, notwithstanding IC 25-27.5-5-7, may not dispense drugs or medical devices."

Page 13, line 29, after "2." insert **"(a)"**.

Page 13, line 34, delete ", including prescribing and" and insert **"."**

Page 13, line 35, delete "dispensing drugs and medical devices."

Page 13, between lines 36 and 37, begin a new paragraph and insert:

"(b) The duties and responsibilities described under subsection (a) may include prescribing and dispensing drugs and medical devices. This subsection expires July 1, 2009."

Page 15, between lines 4 and 5, begin a new paragraph and insert:

"(h) This section expires July 1, 2009."

Page 16, between lines 17 and 18 begin a new paragraph and insert:

"(g) This section expires July 1, 2009."

SECTION 27. IC 25-27.5-5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) This section applies after July 1, 2009.**

(b) The board may adopt rules under IC 4-22-2 to determine the appropriate use of prescription drugs by a physician assistant.

(c) As permitted by the board, a physician assistant may use or dispense only drugs prescribed or approved by the supervising physician.

(d) Notwithstanding subsection (c), a physician assistant may not dispense a scheduled substance listed under IC 35-48-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1241 as printed February 14, 2007.)

LEHE

Motion failed. The bill was ordered engrossed.

House Bill 1258

Representative V. Smith called down House Bill 1258 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1269

Representative Friend called down House Bill 1269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1280

Representative Kersey called down House Bill 1280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1287

Representative Richardson called down House Bill 1287 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1287-1)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"(n) A court shall grant the request of a person who is at least seventy (70) years of age to be excused from acting as a juror."

(Reference is to HB 1287 as printed February 14, 2007.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

House Bill 1299

Representative Bischoff called down House Bill 1299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1305

Representative Cheatham called down House Bill 1305 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1305-1)

Mr. Speaker: I move that House Bill 1305 be amended to read as follows:

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(c) The state board of funeral and cemetery service may audit or order an audit of the perpetual care fund of a cemetery if the state board of funeral and cemetery service determines that the custodian or trustee of the perpetual care fund is not complying with the requirements set forth in subsections (a) and (b). The cemetery that is the subject of the audit shall pay all costs associated with the audit."

Page 4, line 32, delete "The owner of a lot in a cemetery, the next of kin of an" and insert **"The:**

(1) owner of a cemetery; or

(2) if the owner of a cemetery is unable to be determined:

(A) the owner of a lot in the cemetery;

(B) the next of kin of an owner of a lot in the cemetery; or

(C) another interested person;"

Page 4, line 33, delete "owner of a lot in a cemetery, or another interested person" and begin a new line blocked left beginning with "may".

Page 5, between lines 7 and 8, begin a new paragraph and insert:

"(d) The board shall annually review the status of the fund. If the board determines during its annual review that the fund balance equals or exceeds two hundred fifty thousand dollars (\$250,000), the board shall suspend the requirement to make payments to the fund under section 5 of this chapter until after the next annual review in which the board determines that the fund balance is less than two hundred fifty thousand dollars (\$250,000)."

(Reference is to HB 1305 as printed February 14, 2007.)

CHEATHAM

Motion prevailed. The bill was ordered engrossed.

House Bill 1306

Representative Cheatham called down House Bill 1306 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1306-1)

Mr. Speaker: I move that House Bill 1306 be amended to read as follows:

Page 7, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 4. IC 34-30-2-156.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 156.5. IC 36-8-16.5-51 (Concerning commercial mobile radio service providers for disclosure of automatic location identification or automatic number identification information to a law enforcement officer).**"

Page 9, after line 6, begin a new paragraph and insert:

"SECTION 7. IC 36-8-16.5-51 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 51. (a) This section applies to a CMRS provider that provides CMRS to a subscriber.**

(b) A CMRS provider shall disclose a subscriber's automatic location identification and automatic number identification information to a law enforcement officer upon request if an emergency situation exists that involves immediate danger of death or serious bodily injury to any person, including a situation in which there is a credible report of an unexplained missing person. This subsection does not affect the written policy of a CMRS provider concerning the disclosure of a subscriber's automatic location identification or automatic number identification information in a nonemergency situation.

(c) Unless a subscriber executes a consent to the disclosure of the subscriber's automatic location identification or automatic number identification information before a law enforcement officer receives information concerning a subscriber under this section, the law enforcement officer who receives information concerning a subscriber from a CMRS provider under this section shall provide the CMRS provider with a copy of a valid warrant or subpoena authorizing the disclosure of the subscriber's automatic location identification and automatic number identification information not later than forty-eight (48) hours after the law enforcement officer makes the request under subsection (b).

(d) The failure of a law enforcement officer to apply for a warrant or subpoena described in subsection (c) may be punishable by up to one (1) year imprisonment under 18 U.S.C. 3121.

(e) A CMRS provider that discloses information in good faith under subsection (b) is immune from civil liability for disclosing the information. This subsection does not apply to acts or omissions amounting to gross negligence or willful or wanton misconduct."

Renumber all SECTIONS consecutively.

(Reference is to HB 1306 as printed February 16, 2007.)

RUPPEL

Motion prevailed. The bill was ordered engrossed.

House Bill 1312

Representative Austin called down House Bill 1312 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1337

Representative C. Brown called down House Bill 1337 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1357

Representative Tincher called down House Bill 1357 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1373

Representative Stevenson called down House Bill 1373 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1376

Representative Mays called down House Bill 1376 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1376-1)

Mr. Speaker: I move that House Bill 1376 be amended to read as follows:

Page 2, line 17, after "plan." insert "**However, if a patient, misses an appointment during the ninety (90) day treatment period, the patient's treatment plan may be extended beyond the ninety (90) day period.**".

(Reference is to HB 1376 as reprinted February 14, 2007.)

T. BROWN

Motion failed. The bill was ordered engrossed.

House Bill 1358

Representative Tincher called down House Bill 1358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1384

Representative L. Lawson called down House Bill 1384 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1384-1)

Mr. Speaker: I move that House Bill 1384 be amended to read as follows:

Page 2, line 8, after "sex" insert "**or violent**".

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 2. IC 5-2-6-14, AS AMENDED BY P.L.173-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.**

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;**
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or**
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.**

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;**
- (2) support the registration of sex or violent offenders under IC 11-8-8 and the Indiana sex and violent offender registry under ~~IC 11-8-8~~; IC 36-2-13-5.5;**
- (3) provide training for persons to assist victims; and**
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system."**

Page 3, between lines 19 and 20, begin a new paragraph and

insert:

"SECTION 5. IC 10-13-3-5, AS AMENDED BY P.L.20-2006, SECTION 1, AND AS AMENDED BY P.L.140-2006, SECTION 4 AND P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information, *including a photograph*, regarding a sex ~~and violent~~ or violent offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) obtained through sex ~~and violent~~ or violent offender registration under ~~IC 5-2-12~~ IC 11-8-8.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.
- (4) *A photograph of the person who is the subject of the information described in subdivisions (1) through (3).*

SECTION 6. IC 10-13-3-27, AS AMENDED BY P.L.1-2006, SECTION 171, AND AS AMENDED BY P.L.140-2006, SECTION 5 AND P.L.173-2006, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and *has provided* criminal history data ~~as~~ as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by ~~IC 31-33-1-5-2~~ IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;
- (12) is being sought by the parent locator service of the child support bureau of the ~~division~~ department of ~~family and children~~; *child services*;
- (13) is or was required to register as a sex ~~and~~ or violent offender under ~~IC 5-2-12~~ IC 11-8-8; or
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the

victim is less than eighteen (18) years of age.

- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 7. IC 10-13-3-30, AS AMENDED BY P.L.173-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the department of child services.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **registration of sex or violent offenders under IC 11-8-8** or the Indiana sex **and violent** offender registry under ~~IC 11-8-8~~ **IC 36-2-13-5.5** or concerns a person required to register as a sex **or violent** offender under IC 11-8-8.

SECTION 8. IC 10-13-4-4, AS AMENDED BY P.L.173-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and

(B) that is obtained through sex **or violent** offender registration under IC 11-8-8.

SECTION 9. IC 11-8-2-12.4, AS ADDED BY P.L.173-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.4. The department shall do the following:

(1) Maintain the Indiana sex **and violent** offender registry established under IC 36-2-13-5.5.

(2) Prescribe and approve a format for sex **or violent** offender registration as required by IC 11-8-8.

(3) Provide:

(A) judges;

(B) law enforcement officials;

(C) prosecuting attorneys;

(D) parole officers;

(E) probation officers; and

(F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex **and violent** offender registry.

(4) Upon request of a neighborhood association:

(A) transmit to the neighborhood association information concerning sex **or violent** offenders who reside near the location of the neighborhood association; or

(B) provide instructional materials concerning the use of the Indiana sex **and violent** offender registry to the neighborhood association.

SECTION 10. IC 11-8-2-13, AS ADDED BY P.L.173-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The Indiana sex **and violent** offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12.4 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.

(b) The department shall do the following:

(1) Ensure that the Indiana sex **and violent** offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).

(2) Publish the Indiana sex **and violent** offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex **and violent** offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex **or violent** offense or has been adjudicated a delinquent child for an act that would be a sex **or violent** offense if committed by an adult.".

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 12. IC 11-8-8-3, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "principal residence" means the residence where a sex **or violent** offender spends the most time. The term includes a residence

owned or leased by another person if the sex **or violent** offender:

(1) does not own or lease a residence; or

(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex **or violent** offender.

SECTION 13. IC 11-8-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) An attempt or a conspiracy to commit a crime listed in subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 14. IC 11-8-8-5, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex **or violent** offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) **Murder (IC 35-42-1-1).**

(15) **Voluntary manslaughter (IC 35-42-1-3).**

(16) **Aggravated battery (IC 35-42-2-1.5).**

(17) **Arson as a Class A felony (IC 35-43-1-1).**

(18) **Possession, manufacture, placing, dissemination, or detonation of a weapon of mass destruction with the intent to carry out terrorism (IC 35-47-12-1).**

~~(14)~~ (19) An attempt or a conspiracy to commit a crime listed in subdivisions (1) through ~~(13)~~ (18).

~~(15)~~ (20) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(14)~~ (19).

(b) The term includes:

(1) a person who is required to register as a sex **or violent** offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 15. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex **or violent** offender who resides in Indiana. A sex **or violent** offender resides in Indiana if either of the following applies:

(A) The sex **or violent** offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex **or violent** offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex **or violent** offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex **or violent** offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex **or violent** offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex **or violent** offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex **or violent** offender resides. If a sex **or violent** offender resides in more than one (1) county, the sex **or violent** offender shall register with the local law enforcement authority in each county in which the sex **or violent** offender resides. If the sex **or violent** offender is also required to register under subsection (a)(2) or (a)(3), the sex **or violent** offender shall also register with the local law

enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex **or violent** offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex **or violent** offender is or intends to be employed or carry on a vocation. If a sex **or violent** offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex **or violent** offender shall register with the local law enforcement authority in each county. If the sex **or violent** offender is also required to register under subsection (a)(1) or (a)(3), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex **or violent** offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex **or violent** offender is enrolled or intends to be enrolled as a student. If the sex **or violent** offender is also required to register under subsection (a)(1) or (a)(2), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex **or violent** offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex **or violent** offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex **or violent** offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex **or violent** offender committed to the department shall register with the department before the sex **or violent** offender is released from incarceration. The department shall forward the sex **or violent** offender's registration information to the local law enforcement authority of every county in which the sex **or violent** offender is required to register.

(g) This subsection does not apply to a sex **or violent** offender who is a sexually violent predator. A sex **or violent** offender not committed to the department shall register not more than seven (7) days after the sex **or violent** offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex **or violent** offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex **or violent** offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex **or violent** offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex **or violent** offender who is a sexually violent predator. A sex **or violent** offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex **or violent** offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator

is required to register under subsection (b), (c), or (d); whichever occurs first. A sex **or violent** offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex **or violent** offender registers under this section shall make and publish a photograph of the sex **or violent** offender on the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex **or violent** offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex **or violent** offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5.

(j) When a sex **or violent** offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex **or violent** offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex **or violent** offender during registration.

SECTION 16. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex **or violent** offender's full name, alias, any name by which the sex **or violent** offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex **or violent** offender's principal residence address.
- (2) A description of the offense for which the sex **or violent** offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex **or violent** offender's employers in Indiana, the name and address of each campus or location where the sex **or violent** offender is enrolled in school in Indiana, and the address where the sex **or violent** offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex **or violent** offender.
- (5) If the sex **or violent** offender is a sexually violent predator, that the sex **or violent** offender is a sexually violent predator.
- (6) If the sex **or violent** offender is required to register for life, that the sex **or violent** offender is required to register for life.
- (7) Any other information required by the department.

SECTION 17. IC 11-8-8-9, AS ADDED BY P.L.173-2006,

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex **or violent** offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex **or violent** offender of the sex **or violent** offender's duty to register under this chapter and require the sex **or violent** offender to sign a written statement that the sex **or violent** offender was orally informed or, if the sex **or violent** offender refuses to sign the statement, certify that the sex **or violent** offender was orally informed of the duty to register.

(2) Deliver a form advising the sex **or violent** offender of the sex **or violent** offender's duty to register under this chapter and require the sex **or violent** offender to sign a written statement that the sex **or violent** offender received the written notice or, if the sex **or violent** offender refuses to sign the statement, certify that the sex **or violent** offender was given the written notice of the duty to register.

(3) Obtain the address where the sex **or violent** offender expects to reside after the sex **or violent** offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex **or violent** offender expects to reside the sex **or violent** offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex **or violent** offender.

(b) Not more than seventy-two (72) hours after a sex **or violent** offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex **or violent** offender's fingerprints, photograph, and identification factors.

(2) The address where the sex **or violent** offender expects to reside after the sex **or violent** offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex **or violent** offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex **or violent** offender.

(4) Information regarding the sex **or violent** offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex **or violent** offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex **or violent** offender is sentenced shall perform the duties required under subsections (a) and (b).

SECTION 18. IC 11-8-8-10, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Notwithstanding any other law, upon receiving a sex **or violent** offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

SECTION 19. IC 11-8-8-11, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) If a sex **or violent** offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex **or violent** offender stays in Indiana; the sex **or violent** offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(b) If a sex **or violent** offender moves to a new county in

Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex **or violent** offender's residence and forward all relevant registration information concerning the sex **or violent** offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex **or violent** offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex **or violent** offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex **or violent** offender's principal place of employment, principal place of vocation, or campus or location where the sex **or violent** offender is enrolled in school, the sex **or violent** offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex **or violent** offender last registered.

(d) If a sex **or violent** offender moves the sex **or violent** offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex **or violent** offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex **or violent** offender moves the sex **or violent** offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex **or violent** offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex **or violent** offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex **and violent** offender registry web site established under IC 36-2-13-5.5.

SECTION 20. IC 11-8-8-12, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex **or violent** offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex **or violent** offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex **or violent** offender moves into the temporary residence; and
- (2) during the period in which the sex **or violent** offender resides in a temporary residence, at least once every seven (7) days following the sex **or violent** offender's initial registration under subdivision (1).

(c) A sex **or violent** offender's obligation to register in person once every seven (7) days terminates when the sex **or violent** offender no longer resides in the temporary residence. However, all other requirements imposed on a sex **or violent** offender by this chapter continue in force, including the requirement that a sex **or violent** offender register the sex **or violent** offender's new address with the local law enforcement authority.

SECTION 21. IC 11-8-8-13, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) To verify a sex **or**

violent offender's current residence, the local law enforcement authority shall do the following:

- (1) Mail a reply form to each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (2) Mail a reply form to each sex **or violent** offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (3) Personally visit each sex **or violent** offender in the county at the sex **or violent** offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex **or violent** offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex **or violent** offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

SECTION 22. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. At least once per calendar year, a sex **or violent** offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and

(3) be photographed by the local law enforcement authority;
in each location where the offender is required to register.

SECTION 23. IC 11-8-8-15, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) A sex **or violent** offender who is a resident of Indiana shall obtain and keep in the sex **or violent** offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex **or violent** offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex **or violent** offender's possession:

- (1) a valid driver's license issued by the state in which the sex **or violent** offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex **or violent** offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex **or violent** offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 24. IC 11-8-8-16, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A sex **or violent** offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex **or violent** offender who is required to register under this chapter changes the sex **or violent** offender's name due to marriage, the sex **or violent** offender must register with the local law enforcement authority not more than seven (7) days after the name change.

SECTION 25. IC 11-8-8-17, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A sex **or violent** offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex **or violent** offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex **or violent** offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex **or violent** offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex **or violent** offender under this chapter.

SECTION 26. IC 11-8-8-19, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex **or violent** offender is required to register under this chapter until the expiration of ten (10) years

after the date the sex **or violent** offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex **or violent** offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex **or violent** offender who is convicted of at least one (1) sex **or violent** offense that the sex **or violent** offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex **or violent** offender who is convicted of at least one

(1) sex **or violent** offense in which the sex **or violent** offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex **or violent** offender who is convicted of at least two (2) unrelated sex **or violent** offenses is required to register for life.

SECTION 27. IC 11-8-8-20, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex **or violent** offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex **or violent** offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex **or violent** offender is required to register in Indiana of:

- (1) the sex **or violent** offender's name, date of relocation, and new address; and
- (2) the sex **or violent** offense or delinquent act committed by the sex **or violent** offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex **or violent** offender in Indiana;
- (2) whether an out of state sex **or violent** offender is a sexually violent predator; and
- (3) the period in which an out of state sex **or violent** offender who has moved to Indiana will be required to register as a sex **or violent** offender in Indiana.

SECTION 28. IC 11-13-3-4, AS AMENDED BY P.L.60-2006, SECTION 1, AS AMENDED BY P.L.139-2006, SECTION 2, AS AMENDED BY P.L.140-2006, SECTION 15, AND AS AMENDED BY P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a ~~sex and violent~~ offender (as defined in ~~IC 5-2-12-4~~ ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) to:
 - (A) participate in a treatment program for sex offenders approved by the parole board; and
 - (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

- (A) require a parolee who is ~~a sex or violent~~ offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a ~~sheriff for the police chief of a consolidated city~~ local law enforcement authority under ~~IC 5-2-12-5~~ **IC 11-8-8**;
- (B) prohibit ~~the~~ **a parolee who is a** sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, ~~unless the sex offender obtains written approval from the parole board; and~~
- (C) prohibit a parolee who is ~~a~~ **a** sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense ~~unless the sex offender obtains a waiver under IC 35-38-2-2.5; and~~
- (D) prohibit a parolee from owning, operating,

managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~a~~ **a sex or violent** offender convicted of a sex **or violent** offense (as defined in IC 35-38-2-2.5) is confidential, *even if the sex or violent offender obtains a waiver under IC 35-38-2-2.5.*

(i) *As a condition of parole, the parole board may require a parolee to participate in a reentry court program.*

~~(j)~~ **(j)** *As a condition of parole, the parole board:*

- (1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and*
- (2) may require a parolee who is a sex or violent offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5);*

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

~~(k)~~ **(k)** *As a condition of parole, the parole board may prohibit, in accordance with ~~IC 35-38-2-2.5~~ IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.*

SECTION 29. IC 25-20.2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
- (B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and
- (C) has not been:

- (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
- (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
- (iii) listed on a national or state registry of sex **or violent** offenders; or
- (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.

(2) Verify the information submitted on the application form.

(3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.

(4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:

- (A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;
- (B) provides for general liability coverage of at least one hundred thousand dollars (\$100,000);
- (C) lists the state as an additional insured;
- (D) states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and

(E) contains any other terms and conditions established by the board.

(5) Pay a licensing fee established by the board.

(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.

SECTION 30. IC 31-19-11-1, AS AMENDED BY P.L.140-2006, SECTION 17 AND P.L.173-2006, SECTION 17, AND AS AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the ~~department's~~ *state department of health's* affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery as a felony (IC 35-42-2-1).

(7) Aggravated battery (IC 35-42-2-1.5).

(8) Kidnapping (IC 35-42-3-2).

(9) Criminal confinement (IC 35-42-3-3).

(10) A felony sex offense under IC 35-42-4.

(11) Carjacking (IC 35-42-5-2).

(12) Arson (IC 35-43-1-1).

(13) Incest (IC 35-46-1-3).

(14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).

(15) Child selling (IC 35-46-1-4(d)).

(16) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(17) A felony relating to controlled substances under IC 35-48-4.

(18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~a~~ *a* sex ~~or violent~~ offender (as defined in ~~IC 5-2-12-4~~ *IC 11-8-8-5*).".

Page 4, line 28, after "facility," insert "an".

Page 4, line 28, after "insurer," insert "a".

Page 4, line 28, after "entity," insert "an".

Page 4, line 28, after "employer," insert "a".

Page 4, line 29, after "agency," insert "a".

Page 4, line 29, after "department," insert "an".

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 33. IC 35-43-1-2, AS AMENDED BY P.L.173-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged contained data relating to a person required to register as a sex ~~or violent~~ offender under IC 11-8-8, and the person is not a sex ~~or violent~~ offender or was not required to register as a sex ~~or violent~~ offender;

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

- (iii) the damage is to a public record;
- (iv) the property damaged contained data relating to a person required to register as a sex **or violent** offender under IC 11-8-8, and the person is a sex **or violent** offender or was required to register as a sex **or violent** offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;
- (2) a school or community center;
- (3) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;
 a structure or facility identified in subdivision (1) or (2); or
- (4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

- (1) the person has removed or painted over the graffiti or has made other suitable restitution; and
- (2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person."

Page 7, after line 40, begin a new paragraph and insert:

"SECTION 38. IC 35-50-2-2, AS AMENDED BY P.L.151-2006, SECTION 28, AND AS AMENDED BY P.L.140-2006, SECTION 36 AND P.L.173-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the

person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine *or* a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;*
- (ii) a public park;*
- (iii) a family housing complex; or*
- (iv) a youth program center;*

~~(P)~~ *(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:*

- (i) school property;*
- (ii) a public park;*
- (iii) a family housing complex; or*
- (iv) a youth program center;*

~~(Q)~~ *(R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;*

~~(R)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
~~(S)~~ (T) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex or violent offender's (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) sentence that is suspendible under subsection (b), the court shall place the sex or violent offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.

SECTION 39. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AND AS AMENDED BY P.L.140-2006, SECTION 38 AND P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex or violent offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) completes the sex or violent offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex or violent offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction

who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
 - (A) at least as stringent; and
 - (B) at least as effective;
 as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 40. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for each day ~~he~~ the person is imprisoned for a crime or confined awaiting trial or sentencing.

(b) A person assigned to Class II earns one (1) day of credit time for every two (2) days ~~he~~ the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class IV earns one (1) day of credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

~~(c)~~ (d) A person assigned to Class III earns no credit time.

SECTION 41. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person **who is not a sex or violent offender** imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.

(b) A person who is a sex or violent offender imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV.

~~(b)~~ (c) A person who is not assigned to Class IV may be reassigned to Class II or Class III if ~~he~~ the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which ~~he~~ the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, ~~he~~ the person must be granted a hearing to determine ~~his~~ the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may

waive ~~his~~ the right to the hearing.

(d) A person who is assigned to Class IV may be reassigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

~~(c)~~ (e) In connection with the hearing granted under subsection ~~(b)~~, (c) or (d), the person is entitled to:

- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in ~~his~~ the person's own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
- (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
- (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) have immunity if ~~his~~ the person's testimony or any evidence derived from ~~his~~ the person's testimony is used in any criminal proceedings; and
- (10) have ~~his~~ the person's record expunged of any reference to the charge if ~~he~~ the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

~~(d)~~ (f) A person may be reassigned from Class III to Class I, or Class II, or Class IV, or from Class II to Class I. A person's assignment to Class III or Class II shall be reviewed at least once every six (6) months to determine if ~~he~~ the person should be reassigned to a higher credit time class.

SECTION 42. IC 35-50-6-5, AS AMENDED BY P.L.173-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex or violent offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in ~~IC 11-8-8-5~~ IC 11-8-8-4.5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the

person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ the person may also be reassigned to Class II (if the person was not assigned to Class IV) or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section ~~4(c)~~ 4(e) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 43. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex and violent offender registry web site must include the following information:

- (1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex or violent offender.
- (3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall photograph the sex or violent offender. The sheriff shall place this photograph on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 44. IC 36-3-1-5.1, AS AMENDED BY P.L.1-2006, SECTION 559, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority

vote adopt an ordinance, approved by the mayor, to consolidate the police department of the consolidated city and the county sheriff's department.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate police protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

(c) If an ordinance is adopted under this section, the consolidation shall take effect on the date specified in the ordinance.

(d) Notwithstanding any other law, an ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

(1) County jail operations and facilities.

(2) Emergency communications.

(3) Security for buildings and property owned by:

(A) the consolidated city;

(B) the county; or

(C) both the consolidated city and county.

(4) Service of civil process and collection of taxes under tax warrants.

(5) Sex or violent offender registration.

(e) The following apply if an ordinance is adopted under this section:

(1) The department of local government finance, on recommendation from the local government tax control board, shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for property taxes first due and payable in the year a consolidation takes effect under this section. When added together, the adjustments under this subdivision must total zero (0).

(2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.

(3) The ordinance may not prohibit the providing of law enforcement services for an excluded city under an interlocal agreement under IC 36-1-7.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953

fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The ordinance must designate the merit system that shall apply to the law enforcement officers of the consolidated law enforcement department.

(7) The ordinance must designate who shall serve as a coapplicant for a warrant or an extension of a warrant under IC 35-33.5-2.

(8) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated law enforcement department. The police special service district established under section 6 of this chapter may levy property taxes to provide for the payment of expenses for the operation of the consolidated law enforcement department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-7.5 may be levied only by the police special service district within the police special service district. The consolidated city may not levy property taxes to fund the pension obligation under IC 36-8-7.5. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the police department of the consolidated city on the effective date of the consolidation may be levied only by the police special service district within the police special service district. Property taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the police department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the consolidated city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan.

(9) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year following the adoption of the consolidation ordinance and for the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 45. IC 36-8-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) This section applies to any county that has a jail commissary that sells merchandise to inmates.

(b) A jail commissary fund is established, referred to in this section as "the fund". The fund is separate from the general fund, and money in the fund does not revert to the general fund.

(c) The sheriff, or ~~his~~ the sheriff's designee, shall deposit all money from commissary sales into the fund, which ~~he~~ the sheriff or the sheriff's designee shall keep in a depository designated under IC 5-13-8.

(d) The sheriff, or ~~his~~ the sheriff's designee, at ~~his~~ the sheriff's or the sheriff's designee's discretion and without

appropriation by the county fiscal body, may disburse money from the fund for:

- (1) merchandise for resale to inmates through the commissary;
- (2) expenses of operating the commissary, including, but not limited to, facilities and personnel;
- (3) special training in law enforcement for employees of the sheriff's department;
- (4) equipment installed in the county jail;
- (5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, animals, animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;
- (6) an activity provided to maintain order and discipline among the inmates of the county jail;
- (7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:
 - (A) Substance abuse.
 - (B) Child abuse.
 - (C) Domestic violence.
 - (D) Drinking and driving.
 - (E) Juvenile delinquency;
- (8) expenses related to the establishment, operation, or maintenance of the sex **and violent** offender **registry** web site under IC 36-2-13-5.5; or
- (9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.

Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8).

(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1384 as printed February 14, 2007.)

STUTZMAN

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1384 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION (Amendment 1384-2)

Mr. Speaker: I move that House Bill 1384 be amended to read as follows:

- Page 4, line 28, after "facility," insert "**an**".
- Page 4, line 28, after "insurer," insert "**a**".
- Page 4, line 28, after "entity," insert "**an**".
- Page 4, line 28, after "employer," insert "**a**".
- Page 4, line 29, after "agency," insert "**a**".
- Page 4, line 29, after "department," insert "**an**".

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 7. IC 35-41-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. "Credit restricted felon" means a person who:**

- (1) **has been convicted of:**
 - (A) **murder (IC 35-42-1-1);**
 - (B) **voluntary manslaughter (IC 35-42-1-3);**
 - (C) **aggravated battery (IC 35-42-2-1.5);**

- (D) **robbery (IC 35-42-5-1);**
- (E) **carjacking (IC 35-42-5-2);**
- (F) **arson as a Class A felony (IC 35-43-1-1);**
- (G) **possession, manufacture, placing, dissemination, or detonation of a weapon of mass destruction with the intent to carry out terrorism (IC 35-47-12-1);**
- (H) **conspiracy or an attempt to commit an offense described in clauses (A) through (G); or**
- (I) **a felony offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (G); or**

(2) **is a sex offender (as defined in IC 11-8-8-5)."**

Page 7, after line 40, begin a new paragraph and insert:

"SECTION 12. IC 35-50-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) A person assigned to Class I earns one (1) day of credit time for each day ~~he~~ the person is imprisoned for a crime or confined awaiting trial or sentencing.**

(b) A person assigned to Class II earns one (1) day of credit time for every two (2) days ~~he~~ the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class III earns no credit time.

(d) A person assigned to Class IV earns one (1) day of credit for every six (6) days the person is imprisoned for a crime or confined awaiting trial or sentencing.

SECTION 13. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) A person who is not a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.**

(b) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV. A credit restricted felon may not be assigned to Class I or Class II.

(~~b~~) (c) A person who is not assigned to Class IV may be reassigned to Class II or Class III if ~~he~~ the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which ~~he~~ the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, ~~he~~ the person must be granted a hearing to determine ~~his~~ the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive ~~his~~ the right to the hearing.

(d) A person who is assigned to Class IV may be reassigned to Class III if the person violates any of the following:

(1) A rule of the department of correction.

(2) A rule of the penal facility in which the person is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(~~b~~) (e) In connection with the hearing granted under subsection (~~b~~), (c) or (d), the person is entitled to:

- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decision maker;
- (4) appear and speak in ~~his~~ **the person's** own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;
- (7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);
- (8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) have immunity if ~~his~~ **the person's** testimony or any evidence derived from ~~his~~ **the person's** testimony is used in any criminal proceedings; and
- (10) have ~~his~~ **the person's** record expunged of any reference to the charge if ~~he~~ **the person** is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

~~(d)~~ **(f)** A person may be reassigned from Class III to Class I, or Class II, or **Class IV**, or from Class II to Class I. A person's assignment to Class III or Class II shall be reviewed at least once every six (6) months to determine if ~~he~~ **the person** should be reassigned to a higher credit time class. **A credit restricted felon may not be reassigned to Class I or Class II.**

SECTION 14. IC 35-50-6-5, AS AMENDED BY P.L.173-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ **the person** may also be reassigned to Class II **(if the person is not a credit restricted felon)** or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in ~~section 4(c)~~ **section 4(e)** of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 15. [EFFECTIVE JULY 1, 2007] **IC 35-41-1-5.5, as added by this act, and IC 35-50-6-3, IC 35-50-6-4, and IC 35-50-6-5, all as amended by this act, apply only to persons convicted after June 30, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1384 as printed February 14, 2007.)

T. HARRIS

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1384 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1387

Representative L. Lawson called down House Bill 1387 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1387-1)

Mr. Speaker: I move that House Bill 1387 be amended to read as follows:

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 7. IC 35-46-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who knowingly or intentionally purchases or possesses an animal for the purpose of using the animal in an animal fighting contest commits a ~~Class A misdemeanor~~ **Class D felony**.

SECTION 8. IC 35-46-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who knowingly or intentionally:

- (1) promotes or stages an animal fighting contest;
- (2) uses an animal in a fighting contest; or
- (3) attends an animal fighting contest; ~~having an animal in the person's possession;~~

commits a Class D felony."

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 12. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Page 7, line 19, before "IC 35-46-3-12," insert "**IC 35-46-3-8, IC 35-46-3-9, and**".

Page 17, line 19, after "IC 35-46-3-12," insert "**all**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1387 as printed February 16, 2007.)

ELROD

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1387 a bill pending before the House. After discussion of the point of order, Representative Pelath withdrew his point of order.

The question then was on the motion of Representative Elrod (1387-1). Motion prevailed.

HOUSE MOTION (Amendment 1387-2)

Mr. Speaker: I move that House Bill 1387 be amended to read as follows:

Page 5, line 11, strike "This subsection applies only to livestock animals."

(Reference is to HB 1387 as printed February 16, 2007.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

House Bill 1392

Representative VanHaften called down House Bill 1392 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1406

Representative Dickinson called down House Bill 1406 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1406-1)

Mr. Speaker: I move that House Bill 1406 be amended to read as follows:

Page 3, line 7, delete "2011" and insert "**2009**".

(Reference is to HB 1406 as printed February 16, 2007.)

DUNCAN

After discussion, Representative Duncan withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

House Bill 1424

Representative Austin called down House Bill 1424 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1428

Representative Murphy called down House Bill 1428 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1428-1)

Mr. Speaker: I move that House Bill 1428 be amended to read as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-28-3-4, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow teachers, **school administrators, or paraprofessionals** to participate in:

- (1) a session concerning agricultural instruction conducted in the county;
- (2) a meeting of a teachers' association; ~~or~~
- (3) a visitation of model schools under a governing body's direction; **or**

(4) a basic or inservice course of education and training on autism that is certified by the state board in conjunction with the state health commissioner and any other appropriate entity determined by the state board.

A governing body shall pay a teacher the teacher's per diem salary for the teacher's participation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1428 as printed February 16, 2007.)

DUNCAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1434

Representative Candelaria Reardon called down House Bill 1434 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1437

Representative Foley called down House Bill 1437 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1456

Representative Klinker called down House Bill 1456 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1468

Representative Welch called down House Bill 1468 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1484

Representative GiaQuinta called down House Bill 1484 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1484-1)

Mr. Speaker: I move that House Bill 1484 be amended to read as follows:

Page 1, line 4, after "Sudan" insert "**and Venezuela**".

Page 1, line 9, delete "Sudan." and insert "**Sudan and Venezuela.**".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 7. As used in this chapter, "government of Venezuela" refers to the Bolivarian Republic of Venezuela."

Page 2, line 29, delete "7." and insert "**8.**".

Page 2, line 33, delete "8." and insert "**9.**".

Page 2, line 39, delete "9." and insert "**10.**".

Page 3, line 10, delete "10." and insert "**11.**".

Page 3, line 20, delete "11." and insert "**12.**".

Page 3, line 38, delete "12." and insert "**13.**".

Page 4, line 11, delete "13." and insert "**14.**".

Page 4, line 26, delete "14." and insert "**15.**".

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 16. (a) As used in this chapter, "scrutinized company" means either:

(1) the company has business operations that involve contracts with or the provision of supplies or services to:

- (i) the government of Venezuela;**
- (ii) companies in which the government of Venezuela has any direct or indirect equity share;**
- (iii) consortiums or projects commissioned by the government of Venezuela; or**
- (iv) companies involved in consortiums or projects commissioned by the government of Venezuela; or**

(2) a company that meets any of the following criteria:

(A) The company is complicit in the Darfur genocide.

(B) The company supplies military equipment within Sudan unless the company implements safeguards to prevent the use of the equipment by forces actively participating in armed conflict in Sudan. This subdivision does not apply to companies involved in the sale of military equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization.

(C) Both of the following apply to the company:

(i) The company has business operations that involve contracts with or the provision of supplies or services to: the government of Sudan; companies in which the government of Sudan has any direct or indirect equity share; consortiums or projects commissioned by the government of Sudan; or companies involved in consortiums or projects commissioned by the government of Sudan.

(ii) Either: more than ten percent (10%) of the company's revenues or assets linked to Sudan involve oil-related activities or mineral extraction activities, and less than seventy-five percent (75%) of the company's oil related or mineral extracting revenues or assets linked to Sudan involve contracts with the regional government of southern Sudan, or a project or consortium created exclusively by the regional government, and the company has failed to take substantial action; or more than ten percent (10%) of the company's revenues or assets linked to Sudan

involve power production activities and less than seventy-five percent (75%) of the company's power production activities include projects that are intended to provide power or electricity to the marginalized populations of Sudan, and the company has failed to take substantial action.

(b) The term does not include a social development company that is not complicit in the Darfur genocide."

Page 4, delete lines 29 through 42.

Page 5, delete lines 1 through 26.

Page 5, line 27, delete "16." and insert "17."

Page 5, line 42, delete "17." and insert "18."

Page 6, line 3, after "operations;" insert "or".

Page 6, between lines 3 and 4, begin a new line block indented and insert:

"(2) either:

(A) undertaking significant humanitarian efforts on behalf of one (1) or more marginalized populations of Sudan; or

(B) materially improving conditions for the genocidally victimized population in Darfur through engagement with the government of Sudan."

Page 6, delete lines 4 through 8.

Page 6, line 9, delete "18." and insert "19."

Page 6, line 19, delete "Sudan." and insert "Sudan or Venezuela."

Page 6, line 21, delete "Sudan." and insert "Sudan or Venezuela."

Page 6, line 26, delete "Sudan." and insert "Sudan or Venezuela."

Page 6, line 30, delete "19." and insert "20."

Page 6, line 31, delete "18" and insert "19".

Page 6, line 34, delete "20." and insert "21."

Page 6, line 36, delete "19" and insert "20".

Page 6, line 38, after "Sudan" insert "or Venezuela".

Page 6, line 42, delete "21." and insert "22."

Page 7, line 2, delete "19" and insert "20".

Page 7, line 4, after "Sudan" insert "or Venezuela".

Page 7, line 10, delete "22." and insert "23."

Page 7, line 11, delete "21" and insert "22".

Page 7, line 14, delete "23, 24, 25, and 26" and insert "24, 25, 26, and 27".

Page 7, line 18, delete "21" and insert "22".

Page 7, line 21, delete "20" and insert "21".

Page 7, line 22, delete "23." and insert "24."

Page 7, line 22, delete "25 and 26" and insert "26 and 27".

Page 7, line 24, delete "21" and insert "22".

Page 7, line 37, delete "21" and insert "22".

Page 8, line 5, delete "24." and insert "25."

Page 8, line 5, delete "25 and 26" and insert "26 and 27".

Page 8, line 8, delete "25." and insert "26."

Page 8, line 13, delete "26." and insert "27."

Page 8, line 14, delete "23 and 24" and insert "24 and 25".

Page 8, line 25, delete "27." and insert "28."

Page 8, line 26, delete "28." and insert "29."

Page 8, line 33, delete "20 and 21" and insert "21 and 22".

Page 8, line 35, delete "23" and insert "24".

Page 8, line 36, delete "24" and insert "25".

Page 8, line 38, delete "26" and insert "27".

Page 8, line 39, delete "29. This chapter expires" and insert "30. This chapter does not apply to active or inactive business operations in Sudan".

Page 9, line 19, delete "30." and insert "31."

Page 9, line 25, delete "31." and insert "32."

Page 9, line 28, after "Sudan" insert "or Venezuela".

Page 9, line 32, delete "23" and insert "24".

Page 10, line 4, delete "32." and insert "33."

Page 10, line 8, delete "IC 5-10.2-9-30," and insert "IC 5-10.2-9-31,".

Page 11, line 9, delete "IC 5-10.2-9-30. The" and insert "IC 5-10.2-9-31, the".

(Reference is to HB 1484 as printed February 16, 2007.)

FRIEND

After discussion, Representative Friend withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

House Bill 1497

Representative Grubb called down House Bill 1497 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1500

Representative VanHaaften called down House Bill 1500 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1503

Representative Orentlicher called down House Bill 1503 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1503-1)

Mr. Speaker: I move that House Bill 1503 be amended to read as follows:

Page 1, line 14, delete ":".

Page 1, line 15, delete "(A)".

Page 1, line 15, delete "or" and insert "and".

Page 1, run in lines 14 through 15.

Page 2, delete lines 1 through 3.

Page 3, line 9, delete ":".

Page 3, line 10, delete "(A)".

Page 3, line 10, delete "or" and insert "and".

Page 3, run in lines 9 through 10.

Page 3, delete lines 11 through 13.

(Reference is to HB 1503 as printed February 16, 2007.)

ORENTLICHER

Motion prevailed. The bill was ordered engrossed.

House Bill 1505

Representative Bardon called down House Bill 1505 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1505-1)

Mr. Speaker: I move that House Bill 1505 be amended to read as follows:

Page 3, line 32, delete "instrument and subsection (e)," and insert "instrument,".

Page 4, delete lines 21 through 37.

Page 4, line 42, after "investment," delete "or" and insert "and".

Page 5, line 14, delete "of investment" and insert "or investment of the".

Page 6, line 27, delete "considered" and insert "consider".

(Reference is to HB 1505 as printed February 16, 2007.)

BARDON

Motion prevailed.

HOUSE MOTION (Amendment 1505-2)

Mr. Speaker: I move that House Bill 1505 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-12-1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 13. (a) Notwithstanding**

any other law, the following records regarding alternative investments in which institutional investment funds invest are not subject to disclosure under IC 5-14-3, unless the information has already been publicly released by the keeper of the information:

- (1) Due diligence materials that are proprietary to the institutional investment fund or the alternative vehicle.
- (2) Quarterly and annual financial statements of alternative investment vehicles.
- (3) Meeting materials of alternative investment vehicles.
- (4) Records containing information regarding the portfolio positions in which alternative investment vehicles invest.
- (5) Capital call and distribution notices.
- (6) Alternative investment agreements and all related documents.

(b) Notwithstanding subsection (a), the following information contained in records described in subsection (a) regarding alternative investments in which institutional investment funds invest are subject to disclosure under this chapter and are not considered a trade secret or confidential financial information exempt from disclosure:

- (1) The name, address, and vintage year of each alternative investment vehicle.
- (2) The dollar amount of the commitment made to each alternative investment vehicle by the institutional investment fund since inception.
- (3) The dollar amount of cash contributions by the institutional investment fund to each alternative investment vehicle since inception.
- (4) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund from each alternative investment vehicle.
- (5) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund plus the remaining value of partnership assets attributable to the institutional investment fund's investment in each alternative investment vehicle.
- (6) The net internal rate of return of each alternative investment vehicle since inception.
- (7) The investment multiple of each alternative investment vehicle since inception.
- (8) The schedule of management fees and costs assessed by each alternative vehicle to the institutional investment fund.
- (9) The dollar amount of cash profit received by institutional investment funds from each alternative vehicle on a fiscal year end basis.

(c) The following definitions apply throughout this section:

- (1) "Alternative investment" means an investment in a private equity fund, real estate fund, venture fund, hedge fund, or absolute return fund.
- (2) "Alternative investment vehicle" means a limited partnership, limited liability company, or similar legal structure through which an institutional investment fund invests in portfolio companies.
- (3) "Institutional investment fund" means a fund that consists of money managed in an endowment fund, including a quasi-endowment, and the returns on the endowment fund, that is held and invested by a state educational institution (as defined in IC 20-12-0.5-1).
- (4) "Portfolio positions" means individual portfolio investments made by alternative investment vehicles."

Renumber all SECTIONS consecutively.

(Reference is to HB 1505 as printed February 16, 2007.)

MICON

Motion prevailed. The bill was ordered engrossed.

House Bill 1509

Representative L. Lawson called down House Bill 1509 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1509-1)

Mr. Speaker: I move that House Bill 1509 be amended to read as follows:

Page 3, line 18, delete "chapter." and insert "**chapter, and shall give a key to the new locks to the tenant.**".

Page 3, line 27, delete "7(2)(A) or 7(2)(B)" and insert "**7(2)**".

Page 3, line 29, delete "tenant." and insert "**tenant, and shall give a key to the new locks to the tenant.**".

Page 4, line 4, delete "pay" and insert "**reimburse**".

Page 4, line 4, after "landlord" insert "**for**".

(Reference is to HB 1509 as printed February 16, 2007.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1510

Representative VanHaaften called down House Bill 1510 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1510-1)

Mr. Speaker: I move that House Bill 1510 be amended to read as follows:

Page 8, line 1, delete "bingo" and insert "**charity game night**".

(Reference is to HB 1510 as printed February 16, 2007.)

VAN HAAFTEN

Motion prevailed. The bill was ordered engrossed.

House Bill 1521

Representative Moses called down House Bill 1521 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1521-1)

Mr. Speaker: I move that House Bill 1521 be amended to read as follows:

Page 8, between lines 37 and 38, begin a new paragraph and insert:

"(b) If an Indiana resident dies in an Indiana county as a result of an incident that occurred in another Indiana county, the coroner of the county in which the death occurred may not request an autopsy to be performed on the Indiana resident until the coroner of the county in which the death occurred has consulted with the coroner of the county in which the incident occurred concerning the performance of the autopsy."

Page 8, line 38, delete "(a) (b)" and insert "**(a) (c)**".

Page 8, line 38, delete "(b) (c)" and insert "**(b) (d)**".

Page 9, line 6, delete "(b) (c)" and insert "**(b) (d)**".

Page 9, line 6, delete "(a) (b)" and insert "**(a) (c)**".

Page 9, line 12, delete "(d)" and insert "**(e)**".

(Reference is to HB 1521 as printed February 16, 2007.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1551

Representative Avery called down House Bill 1551 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1551-3)

Mr. Speaker: I move that House Bill 1551 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 27.
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1551 as printed February 13, 2007.)
 WHETSTONE

Motion prevailed.

HOUSE MOTION
 (Amendment 1551-2)

Mr. Speaker: I move that House Bill 1551 be amended to read as follows:

Page 5, after line 11, begin a new paragraph and insert:

"SECTION 7. IC 3-9-3-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) This section does not apply to a communication relating to an election to a federal office.

(b) A person may not authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that uses a servicemark, trademark, or other proprietary symbol without the express written consent of the owner of the proprietary symbol.

SECTION 8. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A person who knowingly or intentionally violates IC 3-9-3-6 commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.
 (Reference is to HB 1551 as printed February 13, 2007.)
 T. BROWN

Upon request of Representatives T. Brown and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 139: yeas 76, nays 11. Motion prevailed. The bill was ordered engrossed.

House Bill 1555

Representative Bardon called down House Bill 1555 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1557

Representative Burton called down House Bill 1557 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1557-1)

Mr. Speaker: I move that House Bill 1557 be amended to read as follows:

Page 13, line 37, delete "in compliance with" and insert "under the authority of".

Page 15, line 1, delete "The" and insert "Subject to subsection (11), the".

Page 15, between lines 8 and 9, begin a new paragraph and insert:

"(11) The director's authority to designate an automated central licensing system and repository under subsection (10) is subject to the following:

(a) The director or the director's designee may not require any person exempt from licensure under this article, or any employee or agent of an exempt person, to:

- (i) submit information to; or
- (ii) participate in;

the automated central licensing system and repository.
 (b) Information stored in the automated central licensing system and repository is subject to the confidentiality provisions of IC 28-1-2-30 and IC 5-14-3. A person may not:

- (i) obtain information from the automated central licensing system and repository, unless the person is

authorized to do so by statute; or

- (ii) initiate any civil action based on information obtained from the automated central licensing system if the information is not otherwise available to the person under any other state law; or
- (iii) initiate any civil action based on information obtained from the automated central licensing system if the person could not have initiated the action based on information otherwise available to the person under any other state law.

(c) Documents, materials, and other forms of information in the control or possession of the automated central licensing system and repository that are furnished by the director, the director's designee, or a licensee, or that are otherwise obtained by the automated central licensing system and repository, are confidential and privileged by law and are not:

- (i) subject to inspection under IC 5-14-3;
- (ii) subject to subpoena;
- (iii) subject to discovery; or
- (iv) admissible in evidence in any civil action.

However, the director or the director's designee may use the documents, materials, or other information available to the director or the director's designee in furtherance of any action brought in connection with the director's duties under this article.

(d) Disclosure of documents, materials, and information:

- (i) to the director or the director's designee; or
- (ii) by the director or the director's designee;

under this subsection does not result in a waiver of any applicable privilege or claim of confidentiality with respect to the documents, materials, or information.

(e) Information provided to the automated central licensing system and repository is subject to IC 4-1-11.
 (f) This subsection does not limit or impair a person's right to:

- (i) obtain information;
- (ii) use information as evidence in a civil action or proceeding; or
- (iii) use information to initiate a civil action or proceeding;

if the information may be obtained from the director or the director's designee under any law.

(g) The director may require a licensee required to submit information to the automated central licensing system and repository to pay a processing fee considered reasonable by the director."

Page 29, line 32, delete "A lender shall cause the record of a borrower's loan to be" and insert "If a borrower presents evidence to a lender that a loan has been discharged in bankruptcy, the lender shall cause the record of the borrower's loan to be updated in the database described in subsection (4)(b) to reflect the bankruptcy discharge."

Page 29, delete lines 33 through 35.

Page 29, line 37, delete "deleted from a database described in subsection (4)(b) upon:" and insert "updated in the database described in subsection (4)(b) to reflect:".

Page 30, delete lines 20 through 42.

Page 31, delete lines 1 through 21.

Page 110, delete line 21.

Page 110, line 22, delete "(2)" and insert "(1)".

Page 110, line 23, delete "(3)" and insert "(2)".

Page 114, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 102. IC 28-13-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (c), every director must, during the director's whole term of service, be a citizen of the United States. A director must be at least eighteen (18) years of age. At least

~~three-fifths (3/5)~~ **one-half (½)** of the directors must reside in Indiana or within a distance of not to exceed fifty (50) miles of any office of the corporation of which the director is a director.

(b) The articles of incorporation or bylaws may prescribe other qualifications for directors. A director need not be a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

(c) The director of the department may waive the United States citizenship requirement set forth in subsection (a) for a particular corporation if the waiver would affect only a minority of the total number of directors of the corporation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1557 as printed February 2, 2007.)

BURTON

Motion prevailed. The bill was ordered engrossed.

House Bill 1595

Representative Dobis called down House Bill 1595 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1623

Representative Oxley called down House Bill 1623 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1623-1)

Mr. Speaker: I move that House Bill 1623 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"(c) A worksite speed limit set under this section may be enforced only if:

(1) workers are present in the immediate vicinity of the worksite; or

(2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit."

Page 2, line 17, delete "(c)" and insert "(d)".

Page 2, line 29, delete "(d)" and insert "(e)".

Page 4, line 42, delete "IC 9-21-5-11(d)," and insert **"IC 9-21-5-11(e),"**

(Reference is to HB 1623 as printed February 16, 2007.)

DUNCAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1633

Representative Wolkins called down House Bill 1633 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1633-1)

Mr. Speaker: I move that House Bill 1633 be amended to read as follows:

Page 2, between lines 34 and 35, begin a new line block indented and insert:

"(4) To an insurance company that:

(A) provides any form of insurance or annuity coverage on the deceased person; or

(B) has issued any form of insurance or annuity coverage that the deceased person owns and that covers the life of a person other than the deceased person."

Page 2, line 35, delete "(4)" and insert "(5)".

Page 2, line 37, delete "(5)" and insert "(6)".

(Reference is to HB 1633 as printed February 9, 2007.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1653

Representative Dembowski called down House Bill 1653 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1653-2)

Mr. Speaker: I move that House Bill 1653 be amended to read as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"(c) A service provider at least eighteen (18) years of age who engages in sexual intercourse or deviate sexual conduct with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention;

commits sexual misconduct, a Class B felony."

Page 1, line 10, strike "(c)" and insert "(d)".

Page 1, line 10, after "(b)" insert **"or (c)"**.

Page 1, line 12, strike "(d)" and insert "(e)".

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2007] IC 35-44-1-5, as amended by this act, applies to offenses committed after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1653 as printed February 16, 2007.)

CROUCH

Motion prevailed.

HOUSE MOTION

(Amendment 1653-1)

Mr. Speaker: I move that House Bill 1653 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-42-4-7, AS AMENDED BY P.L.1-2005, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility; or

(2) is employed by works for compensation or as a volunteer for a:

(A) school corporation; or

(B) nonpublic school;

attended by a child who is the victim of a crime under this chapter; or

(3) works for compensation or as a volunteer at a:

(A) youth program center; or

(B) public park;

attended or visited by a child who is the victim of a crime under this chapter.

(d) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(e) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(f) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(g) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(h) If a person who is:

(1) at least eighteen (18) years of age; and

(2) the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;
 a child at least sixteen (16) years of age but less than eighteen (18) years of age;
 engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony."

Page 1, after line 13, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] **IC 35-42-4-7, as amended by this act, applies only to crimes committed after June 30, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1653 as printed February 16, 2007.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1654

Representative Dembowski called down House Bill 1654 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1654-1)

Mr. Speaker: I move that House Bill 1654 be amended to read as follows:

Page 6, line 35, delete ",".

Page 6, line 35, strike "in accordance".

Page 6, strike line 36.

Page 6, line 37, strike "criminal justice institute,".

Page 7, line 14, delete "6-21-8-1.5" and insert "16-21-8-1.5".

Page 7, line 19, after "sexual" insert "assault".

Page 9, line 11, delete "and evidence".

Page 9, line 20, delete "signed form" and insert "sample".

Page 9, line 35, delete "and the form signed under section 9 of".

Page 9, line 36, delete "this chapter".

(Reference is to HB 1654 as printed February 16, 2007.)

DEMBOWSKI

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

House Bill 1656

Representative Mays called down House Bill 1656 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1656-2)

Mr. Speaker: I move that House Bill 1656 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-8.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) To obtain the credit provided by section 4 of this chapter for a particular calendar year, a taxpayer must file with the department of local government finance an accurate statement of the qualified expenditures that entitle the taxpayer to a credit. The statement must be filed:

(1) in the form prescribed by the department of local government finance; and

(2) with the statement required for the calendar year to which the credit applies under IC 6-1.1-8-19.

(b) **The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-20.9-11.3.**

SECTION 2. IC 6-1.1-11-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) As used in this section, "clerical error" includes mathematical errors and omitted signatures.

(b) **The county property tax assessment board of appeals may by resolution, with respect to an exemption under this chapter, waive noncompliance with:**

(1) a filing deadline applicable to an application or another document that is required to be filed under this chapter; or

(2) a clerical error in an application or another document that is required to be filed under this chapter;

if the taxpayer otherwise qualifies for the exemption and the document is filed or the clerical error is corrected before the resolution is adopted. The resolution must specifically identify the property, exemptions, and taxpayer that are affected by the resolution, specifically identify the noncompliance that is the subject of the resolution, and include a finding that the noncompliance has been corrected before the adoption of the resolution.

(c) **The county property tax assessment board of appeals shall certify a copy of a resolution adopted under this section to the taxpayer and the department of local government finance.**

(d) **If a noncompliance with this chapter has been corrected and a resolution is adopted under this section, the taxpayer shall be treated as if the taxpayer had complied with the procedural requirements of this chapter. However, if the county property tax assessment board of appeals determines that granting the relief permitted by this section would result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies for a particular year, or otherwise cause an undue burden on a taxing unit, the county property tax assessment board of appeals may require that the exemption that the taxpayer would be entitled to receive for a particular year be applied to a subsequent year in the manner prescribed by the department of local government finance.**

SECTION 3. IC 6-1.1-12-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. **The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error under this chapter in the manner in which a designating body may waive noncompliance under IC 6-1.1-12.1-9.5.**

SECTION 4. IC 6-1.1-12.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) To qualify for the deduction, the taxpayer must claim the deduction, in the manner prescribed by the department of local government finance, on the taxpayer's personal property tax return filed under IC 6-1.1-3 or IC 6-1.1-8 (or an amended return filed within the time allowed under this article) for the abated property to which the deduction applies.

(b) **The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-12-0.3.**

SECTION 5. IC 6-1.1-12.3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) To qualify for the deduction, the taxpayer must claim the deduction,

in the manner prescribed by the department of local government finance, on the taxpayer's personal property tax return filed under IC 6-1.1-3 or IC 6-1.1-8 (or an amended return filed within the time allowed under this article) for the abatement property to which the deduction applies.

(b) The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-12-0.3.

SECTION 6. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2009. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

- (1) develops, redevelops, or rehabilitates the real property; and
- (2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
 - (2) the product of:
 - (A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by
 - (B) the percentage from the following table:
- | YEAR OF DEDUCTION | PERCENTAGE |
|-------------------|------------|
| 1st | 75% |
| 2nd | 50% |
| 3rd | 25% |

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor shall:

- (1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and
- (2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

- (1) a general reassessment of real property under IC 6-1.1-4-4; or
- (2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a

facility listed in IC 6-1.1-12.1-3(e).

(i) The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-12-0.3.

SECTION 7. IC 6-1.1-20.9-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "clerical error" includes mathematical errors and omitted signatures.

(b) The county property tax assessment board of appeals may by resolution, with respect to a credit under this chapter, waive noncompliance with:

- (1) a filing deadline applicable to an application or another document that is required to be filed under this chapter; or
- (2) a clerical error in an application or another document that is required to be filed under this chapter;

if the taxpayer otherwise qualifies for the credit and the document is filed or the clerical error is corrected before the resolution is adopted. The resolution must specifically identify the property, credit, and taxpayer that are affected by the resolution, specifically identify the noncompliance that is the subject of the resolution, and include a finding that the noncompliance has been corrected before the adoption of the resolution.

(c) The county property tax assessment board of appeals shall certify a copy of a resolution adopted under this section to the taxpayer and the department of local government finance.

(d) If a noncompliance with this chapter has been corrected and a resolution is adopted under this section, the taxpayer shall be treated as if the taxpayer had complied with the procedural requirements of this chapter. However, if the county property tax assessment board of appeals determines that granting the relief permitted by this section would result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies for a particular year, or otherwise cause an undue burden on a taxing unit, the county property tax assessment board of appeals may require that the credit that the taxpayer would be entitled to receive for a particular year be applied to a subsequent year in the manner prescribed by the department of local government finance.

SECTION 8. IC 6-1.1-40-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person that desires to obtain the deduction provided by section 10 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with:

- (1) the auditor of the county in which the new manufacturing equipment and inventory is located; and
- (2) the department of local government finance.

A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the new manufacturing equipment is installed or the inventory is subject to assessment must file the application between March 1 and May 15 of that year.

(b) The application required by this section must contain the following information:

- (1) The name of the owner of the new manufacturing equipment and inventory.
- (2) A description of the new manufacturing equipment and inventory.
- (3) Proof of the date the new manufacturing equipment was installed.
- (4) The amount of the deduction claimed for the first year of the deduction.

(c) A deduction application must be filed under this section in the year in which the new manufacturing equipment is installed

or the inventory is subject to assessment and in each of the immediately succeeding nine (9) years.

(d) The department of local government finance shall review and verify the correctness of each application and shall notify the county auditor of the county in which the property is located that the application is approved or denied or that the amount of the deduction is altered. Upon notification of approval of the application or of alteration of the amount of the deduction, the county auditor shall make the deduction.

(e) If the ownership of new manufacturing equipment changes, the deduction provided under section 10 of this chapter continues to apply to that equipment if the new owner:

- (1) continues to use the equipment in compliance with any standards established under section 7(c) of this chapter; and
- (2) files the applications required by this section.

(f) The amount of the deduction is:

- (1) the percentage under section 10 of this chapter that would have applied if the ownership of the property had not changed; multiplied by
- (2) the assessed value of the equipment for the year the deduction is claimed by the new owner.

(g) The commission may waive noncompliance with respect to a filing deadline or a clerical error under this chapter in the manner in which a designating body may waive noncompliance under IC 6-1.1-12.1-9.5.

SECTION 9. IC 6-1.1-42-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) A property owner who desires to obtain the deduction provided by section 24 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The certified deduction application required by this section must contain the following information:

- (1) The name of each owner of the property.
- (2) A certificate of completion of a voluntary remediation under IC 13-25-5-16.
- (3) Proof that each owner who is applying for the deduction:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;
 a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.
- (4) Proof that the deduction was approved by the appropriate designating body.
- (5) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (6) The assessed value of the improvements before remediation and redevelopment.
- (7) The increase in the assessed value of improvements resulting from remediation and redevelopment.
- (8) The amount of the deduction claimed for the first year of the deduction.

(d) A certified deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of property is made and each subsequent year to which the deduction applies under the resolution adopted under section 24 of this chapter.

(e) A property owner who desires to obtain the deduction provided by section 24 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which is applicable for the year filed and the subsequent years without any additional certified deduction application being filed for the amounts of the deduction which would be applicable to such years under this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) On verification of the correctness of a certified deduction application by the assessor of the township in which the property is located, the county auditor shall, if the property is covered by a resolution adopted under section 24 of this chapter, make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 24 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

- (1) is a person that:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management;

- (2) continues to use the property in compliance with any standards established under sections 7 and 23 of this chapter; and

- (3) files an application in the manner provided by subsection (e).

(h) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) The designating body may waive noncompliance with respect to a filing deadline or a clerical error under this chapter in the manner in which a designating body may waive noncompliance under IC 6-1.1-12.1-9.5.

SECTION 10. IC 6-1.1-44-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) To obtain a deduction under this chapter, a manufacturer must file an application on forms prescribed by the department of local government finance with the auditor of the county in which the investment property is located. A person that timely files a personal property return under IC 6-1.1-3-7(a) for the year in which the investment property is installed must file the application between March 1 and May 15 of that year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for the year in which the investment property is installed must file the application between March 1 and the extended due date for that year.

(b) The deduction application required by this section must contain the following information:

- (1) The name of the owner of the investment property.
- (2) A description of the investment property.
- (3) Proof of purchase of the investment property and proof of the date the investment property was installed.
- (4) The amount of the deduction claimed.

(c) The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-12-0.3.

SECTION 11. IC 6-1.1-45-10, AS ADDED BY P.L.214-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A taxpayer that desires to claim the deduction provided by section 9 of this chapter for a particular year shall file a certified application, on forms prescribed by the department of local

government finance, with the auditor of the county where the property for which the deduction is claimed was located on the assessment date. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The application must be filed before May 10 of the assessment year to obtain the deduction.

(b) A taxpayer shall include on an application filed under this section all information that the department of local government finance and the corporation require to determine eligibility for the deduction provided under this chapter.

(c) The county property tax assessment board of appeals may waive noncompliance with respect to a filing deadline or a clerical error in the manner allowed under IC 6-1.1-12-0.3."

Renumber all SECTIONS consecutively.

(Reference is to HB 1656 as printed February 16, 2007.)

BUELL

Motion prevailed.

HOUSE MOTION (Amendment 1656-3)

Mr. Speaker: I move that House Bill 1656 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-3-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 7.5. (a) A taxpayer may file an amended personal property tax return, in conformity with the rules adopted by the department of local government finance, not more than ~~six (6) months~~ **one (1) year** after the later of the following:

(1) The filing date for the original personal property tax return, if the taxpayer is not granted an extension in which to file under section 7 of this chapter.

(2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under section 7 of this chapter.

(b) A tax adjustment related to an amended personal property tax return shall be made in conformity with rules adopted under IC 4-22-2 by the department of local government finance.

(c) If a taxpayer wishes to correct an error made by the taxpayer on the taxpayer's original personal property tax return, the taxpayer must file an amended personal property tax return under this section within the time required by subsection (a). A taxpayer may claim on an amended personal property tax return any adjustment or exemption that would have been allowable under any statute or rule adopted by the department of local government finance if the adjustment or exemption had been claimed on the original personal property tax return.

(d) Notwithstanding any other provision, if:

(1) a taxpayer files an amended personal property tax return under this section in order to correct an error made by the taxpayer on the taxpayer's original personal property tax return; and

(2) the taxpayer is entitled to a refund of personal property taxes paid by the taxpayer under the original personal property tax return;

the taxpayer is not entitled to interest on the refund.

(e) If a taxpayer files an amended personal property tax return for a year before July 16 of that year, the taxpayer shall pay taxes payable in the immediately succeeding year based on the assessed value reported on the amended return.

(f) If a taxpayer files an amended personal property tax return for a year after July 15 of that year, the taxpayer shall pay taxes payable in the immediately succeeding year based on the

assessed value reported on the taxpayer's original personal property tax return. A taxpayer that paid taxes under this subsection is entitled to a credit in the amount of taxes paid by the taxpayer on the remainder of:

(1) the assessed value reported on the taxpayer's original personal property tax return; minus

(2) the finally determined assessed value that results from the filing of the taxpayer's amended personal property tax return.

Except as provided in subsection (k), the county auditor shall apply the credit against the taxpayer's property taxes on personal property payable in the year that immediately succeeds the year in which the taxes were paid.

(g) If the amount of the credit to which the taxpayer is entitled under subsection (f) exceeds the amount of the taxpayer's property taxes on personal property payable in the year that immediately succeeds the year in which the taxes were paid, the county auditor shall apply the amount of the excess credit against the taxpayer's property taxes on personal property in the next succeeding year.

(h) Not later than December 31 of the year in which a credit is applied under subsection (g), the county auditor shall refund to the taxpayer the amount of any excess credit that remains after application of the credit under subsection (g).

(i) The taxpayer is not required to file an application for:

(1) a credit under subsection (f) or (g); or

(2) a refund under subsection (h).

(j) Before August 1 of each year, the county auditor shall provide to each taxing unit in the county an estimate of the total amount of the credits under subsection (f) or (g) that will be applied against taxes imposed by the taxing unit that are payable in the immediately succeeding year.

(k) A county auditor may refund a credit amount to a taxpayer before the time the credit would otherwise be applied against property tax payments under this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1656 as printed February 16, 2007.)

LEONARD

Motion prevailed.

HOUSE MOTION (Amendment 1656-1)

Mr. Speaker: I move that House Bill 1656 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"(j) Notwithstanding IC 6-1.1-26, any refund amount that a taxpayer is entitled to receive under this SECTION must be applied as a credit against the taxpayer's property tax liability attributable to the taxpayer's personal property. A credit applied under this subsection must be applied in eight (8) equal amounts to the taxpayer's property tax statements due in May and November of the four (4) calendar years beginning after December 31 of the year in which it is determined that the taxpayer is entitled to a refund under this SECTION."

Page 2, line 27, delete "(j)" and insert "(k)".

(Reference is to HB 1656 as printed February 16, 2007.)

LEONARD

Motion prevailed. The bill was ordered engrossed.

House Bill 1659

Representative Austin called down House Bill 1659 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1659-2)

Mr. Speaker: I move that House Bill 1659 be amended to read as follows:

Page 36, line 36, delete "four (4)" and insert "**six (6)**".

Page 3, between lines 9 and 10, begin a new line block indented and insert:

"(5) Southwest Indiana.

(6) Southeast Indiana."

(Reference is to HB 1659 as printed February 16, 2007.)

CROUCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1693

Representative Cochran called down House Bill 1693 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1726

Representative Dembowski called down House Bill 1726 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1726-1)

Mr. Speaker: I move that House Bill 1726 be amended to read as follows:

Page 3, after line 40, begin a new paragraph and insert:

"(g) Gifts, grants and other donations may be accepted by the fund.

(h) The Indiana criminal justice institute shall pursue federal grants to be placed in the fund."

(Reference is to HB 1726 as printed February 16, 2007.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1728

Representative Niezgodski called down House Bill 1728 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1762

Representative Friend called down House Bill 1762 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1774

Representative VanHaaften called down House Bill 1774 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1774-2)

Mr. Speaker: I move that House Bill 1774 be amended to read as follows:

Page 13, line 5, after "authority" delete "," and insert **"established under this article;"**.

(Reference is to HB 1774 as printed February 13, 2007.)

PELATH

Motion prevailed.

HOUSE MOTION

(Amendment 1774-1)

Mr. Speaker: I move that House Bill 1774 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12.1-1, AS AMENDED BY P.L.154-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS: Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age,

obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means tangible personal property that a deduction applicant **acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant for use as described in clause (B). In addition, the deduction applicant or a person who leases the tangible personal property from a deduction applicant must:**

(A) ~~installs~~ **install the tangible personal property** after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) ~~uses~~ **use the tangible personal property** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; **and**

~~(C) acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant for use as described in clause (B); and~~

~~(D) (C) have never used the tangible personal property~~ **(C) have never used the tangible personal property** for any purpose in Indiana before the installation described in clause (A).

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(7) "Designating body" means the following:

(A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.

(B) For a county containing a consolidated city, the metropolitan development commission.

(8) "Deduction application" means:

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter;

(B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter; or

(C) the application filed in accordance with section 5.3 of this chapter by a property owner that desires to obtain the deduction provided by section 4.8 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) a deduction applicant **or a person who leases the tangible personal property from a deduction applicant** installs after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) laboratory equipment;
- (ii) research and development equipment;
- (iii) computers and computer software;
- (iv) telecommunications equipment; or
- (v) testing equipment;

(C) the deduction applicant **or a person who leases the tangible personal property from a deduction applicant** uses in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products;

(D) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant for purposes described in this subdivision; and

(E) the deduction applicant **or a person who leases the tangible personal property from a deduction applicant** never used for any purpose in Indiana before the installation described in clause (A).

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

(13) "New logistical distribution equipment" means tangible personal property that:

(A) a deduction applicant **or a person who leases the tangible personal property from a deduction applicant** installs after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the

deduction applicant and uses for the storage or distribution of goods, services, or information; and

(D) the deduction applicant **or a person who leases the tangible personal property from a deduction applicant** never used for any purpose in Indiana before the installation described in clause (A).

(14) "New information technology equipment" means tangible personal property that:

(A) a deduction applicant **or a person who leases the tangible personal property from a deduction applicant** installs after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of equipment, including software, used in the fields of:

- (i) information processing;
- (ii) office automation;
- (iii) telecommunication facilities and networks;
- (iv) informatics;
- (v) network administration;
- (vi) software development; and
- (vii) fiber optics;

(C) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant; and

(D) the deduction applicant **or a person who leases the tangible personal property from a deduction applicant** never used for any purpose in Indiana before the installation described in clause (A).

(15) "Deduction applicant" means an owner of tangible personal property who makes a deduction application.

(16) "Affiliate" means an entity that effectively controls or is controlled by a deduction applicant or is associated with a deduction applicant under common ownership or control, whether by shareholdings or other means.

(17) "Eligible vacant building" means a building that:

(A) is zoned for commercial or industrial purposes; and

(B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

SECTION 3. IC 6-1.1-12.1-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. (a) An applicant must provide a statement of benefits to the designating body. If the designating body requires information from the applicant for economic revitalization area status for use in making its decision about whether to designate an economic revitalization area, the applicant shall provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the statement of benefits form must be submitted to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the proposed redevelopment or rehabilitation.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the person **or a tenant of the property owner** as a result of the redevelopment or rehabilitation and an estimate of the annual salaries of these individuals.

(3) An estimate of the value of the redevelopment or rehabilitation.

With the approval of the designating body, the statement of

benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature.
- (2) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (4) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- (5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction unless the findings required by this subsection are made in the affirmative.

(c) Except as provided in subsections (a) through (b), the owner of property which is located in an economic revitalization area is entitled to a deduction from the assessed value of the property. If the area is a residentially distressed area, the period is not more than five (5) years. For all other economic revitalization areas designated before July 1, 2000, the period is three (3), six (6), or ten (10) years. For all economic revitalization areas designated after June 30, 2000, the period is the number of years determined under subsection (d). The owner is entitled to a deduction if:

- (1) the property has been rehabilitated; or
- (2) the property is located on real estate which has been redeveloped.

The owner is entitled to the deduction for the first year, and any successive year or years, in which an increase in assessed value resulting from the rehabilitation or redevelopment occurs and for the following years determined under subsection (d). However, property owners who had an area designated an urban development area pursuant to an application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation of real property in a county containing a

consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

- (1) Private or commercial golf course.
- (2) Country club.
- (3) Massage parlor.
- (4) Tennis club.
- (5) Skating facility (including roller skating, skateboarding, or ice skating).
- (6) Racquet sport facility (including any handball or racquetball court).
- (7) Hot tub facility.
- (8) Suntan facility.
- (9) Racetrack.
- (10) Any facility the primary purpose of which is:
 - (A) retail food and beverage service;
 - (B) automobile sales or service; or
 - (C) other retail;

unless the facility is located in an economic development target area established under section 7 of this chapter.

(11) Residential, unless:

- (A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;
- (B) the facility is located in an economic development target area established under section 7 of this chapter; or
- (C) the area is designated as a residentially distressed area.

(12) A package liquor store that holds a liquor dealer's permit under IC 7.1-3-10 or any other entity that is required to operate under a license issued under IC 7.1. This subdivision does not apply to an applicant that:

- (A) was eligible for tax abatement under this chapter before July 1, 1995;
- (B) is described in IC 7.1-5-7-11; or
- (C) operates, **or has a lessee that operates**, a facility under:
 - (i) a beer wholesaler's permit under IC 7.1-3-3;
 - (ii) a liquor wholesaler's permit under IC 7.1-3-8; or
 - (iii) a wine wholesaler's permit under IC 7.1-3-13;
 for which the applicant claims a deduction under this chapter.

(f) This subsection applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). Notwithstanding subsection (e)(11), in a county subject to this subsection a designating body may, before September 1, 2000, approve a deduction under this chapter for the redevelopment or rehabilitation of real property consisting of residential facilities that are located in unincorporated areas of the county if the designating body makes a finding that the facilities are needed to serve any combination of the following:

- (1) Elderly persons who are predominately low-income or moderate-income persons.
- (2) Disabled persons.

A designating body may adopt an ordinance approving a deduction under this subsection only one (1) time. This subsection expires January 1, 2011.

SECTION 4. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.154-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the

installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person **or a person who leases the tangible personal property from the property owner** as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from

the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), and subject to subsection (i), an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, and subject to subsection (i), the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%

4th	40%
5th	20%
6th and thereafter	0%
(6) For deductions allowed over a six (6) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%
(7) For deductions allowed over a seven (7) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%
(8) For deductions allowed over an eight (8) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%
(9) For deductions allowed over a nine (9) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%
(10) For deductions allowed over a ten (10) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

- (1) the deduction under this section as in effect on March 1, 2001; and
- (2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property

subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or
- (2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

- (1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by
- (2) the quotient of:
 - (A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by
 - (B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:
 - (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and
 - (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 5. IC 6-1.1-12.1-5, AS AMENDED BY P.L.193-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS: Sec. 5. (a) A property owner who desires to obtain the deduction provided by section 3 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date

such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner **and, if applicable, the property owner's tenant.**
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.
- (5) The assessed value of the new structure in the case of redevelopment.
- (6) The amount of the deduction claimed for the first year of the deduction.
- (7) If the deduction application is for a deduction in a residentially distressed area, the assessed value of the improvement or new structure for which the deduction is claimed.

(d) A deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of a new structure is made and in the following years the deduction is allowed without any additional deduction application being filed. However, property owners who had an area designated an urban development area pursuant to a deduction application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to a deduction application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

- (1) If a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.
- (2) If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.
- (3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property if:

- (1) the new owner of the property
~~(1) or a lessee of the new owner~~ continues to use the property in compliance with any standards established under section 2(g) of this chapter; and
- (2) **the new owner** files an application in the manner provided by subsection (e).

(h) The township assessor shall include a notice of the

deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the property is located review the deduction application.

(j) A property owner may appeal a determination of the county auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 6. IC 6-1.1-12.1-5.1, AS AMENDED BY P.L.193-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS: Sec. 5.1. (a) This subsection applies to:

- (1) all deductions under section 3 of this chapter for property located in a residentially distressed area; and
- (2) any other deductions for which a statement of benefits was approved under section 3 of this chapter before July 1, 1991.

In addition to the requirements of section 5(c) of this chapter, a deduction application filed under section 5 of this chapter must contain information showing the extent to which there has been compliance with the statement of benefits approved under section 3 of this chapter. Failure to comply with a statement of benefits approved before July 1, 1991, may not be a basis for rejecting a deduction application.

(b) This subsection applies to each deduction (other than a deduction for property located in a residentially distressed area) for which a statement of benefits was approved under section 3 of this chapter after June 30, 1991. In addition to the requirements of section 5(c) of this chapter, a property owner who files a deduction application under section 5 of this chapter must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 3 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable at the same time that the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided before May 15.

(c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following information is a public record if filed under this section:

- (1) The name and address of the taxpayer **and, if applicable, the property owner's tenant.**
- (2) The location and description of the property for which the deduction was granted.
- (3) Any information concerning the number of employees at the property for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.
- (4) Any information concerning the total of the salaries paid to those employees, including estimated totals that were provided as part of the statement of benefits.
- (5) Any information concerning the assessed value of the property, including estimates that were provided as part of the statement of benefits.

(d) The following information is confidential if filed under this section:

- (1) Any information concerning the specific salaries paid to individual employees by the property owner **or a tenant**

of the property owner.

(2) Any information concerning the cost of the property.

SECTION 7. IC 6-1.1-12.1-5.4, AS AMENDED BY P.L.193-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS: Sec. 5.4. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction schedule with the person's personal property return on a form prescribed by the department of local government finance with the township assessor of the township in which the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is located. Except as provided in subsection (e), the deduction is applied in the amount claimed in a certified schedule that a person files with:

- (1) a timely personal property return under IC 6-1.1-3-7(a) or IC 6-1.1-3-7(b); or
- (2) a timely amended personal property return under IC 6-1.1-3-7.5.

The township assessor shall forward to the county auditor and the county assessor a copy of each certified deduction schedule filed under this subsection.

(b) The deduction schedule required by this section must contain the following information:

- (1) The name of the owner **of and, if applicable, the name of a person leasing** the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (2) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (3) The amount of the deduction claimed for the first year of the deduction.

(c) This subsection applies to a deduction schedule with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which a statement of benefits was initially approved after April 30, 1991. If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction schedule to the designating body, and the designating body shall adopt a resolution under section 4.5(g)(2) of this chapter.

(d) A deduction schedule must be filed under this section in the year in which the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is installed and in each of the immediately succeeding years the deduction is allowed.

(e) The township assessor or the county assessor may:

- (1) review the deduction schedule; and
- (2) before the March 1 that next succeeds the assessment date for which the deduction is claimed, deny or alter the amount of the deduction.

If the township assessor or the county assessor does not deny the deduction, the county auditor shall apply the deduction in the amount claimed in the deduction schedule or in the amount as altered by the township assessor or the county assessor. A township assessor or a county assessor who denies a deduction under this subsection or alters the amount of the deduction shall notify the person that claimed the deduction and the county auditor of the assessor's action. The county auditor shall notify the designating body and the county property tax assessment board of appeals of all deductions applied under this section.

(f) If the ownership of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment changes, the deduction provided under section 4.5 of this chapter

continues to apply to that equipment if the new owner:

- (1) the new owner **or person leasing the property from the new owner**

~~(1)~~ continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and

- (2) **the new owner** files the deduction schedules required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) A person may appeal a determination of the township assessor or the county assessor under subsection (e) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the township assessor or the county assessor not more than forty-five (45) days after the township assessor or the county assessor gives the person notice of the determination. Except as provided in subsection (i), an appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(i) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under subsection (h) of a determination by the county assessor.

SECTION 8. IC 6-1.1-12.1-5.6, AS AMENDED BY P.L.1-2006, SECTION 134, IS AMENDED TO READ AS FOLLOWS: Sec. 5.6. (a) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter before July 1, 1991. In addition to the requirements of section 5.4(b) of this chapter, a deduction schedule filed under section 5.4 of this chapter must contain information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter. Failure to comply with a statement of benefits approved before July 1, 1991, may not be a basis for rejecting a deduction schedule.

(b) This subsection applies to a property owner whose statement of benefits was approved under section 4.5 of this chapter after June 30, 1991. In addition to the requirements of section 5.4(b) of this chapter, a property owner who files a deduction schedule under section 5.4 of this chapter must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.5 of this chapter.

(c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following information is a public record if filed under this section:

- (1) The name and address of the taxpayer **and, if applicable, the name of the person leasing the property from the taxpayer.**

(2) The location and description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the deduction was granted.

(3) Any information concerning the number of employees at the facility where the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is located, including estimated totals that were provided as part of the statement of benefits.

(4) Any information concerning the total of the salaries paid to those employees, including estimated totals that were provided as part of the statement of benefits.

(5) Any information concerning the amount of solid waste or hazardous waste converted into energy or other useful

products by the new manufacturing equipment.

(6) Any information concerning the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment including estimates that were provided as part of the statement of benefits.

(d) The following information is confidential if filed under this section:

(1) Any information concerning the specific salaries paid to individual employees by:

(A) the owner of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; or

(B) a person leasing equipment described in clause (A) from the owner of the equipment.

(2) Any information concerning the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

SECTION 9. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.154-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS: Sec. 5.9. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, 4.5, or 4.8 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

(1) An explanation of the reasons for the designating body's determination.

(2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.

(c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, 4.5, or 4.8 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) A property owner is not excused from showing substantial compliance for benefits approved under section

3 or 4.5 of this chapter, if the reason for the property owner's noncompliance is that the property owner did not obtain or receive information necessary to demonstrate substantial compliance from the property owner's tenant or lessee.

~~(d)~~ (e) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

(1) the property owner;

(2) the county auditor; and

(3) if the deduction applied under section 4.5 of this chapter, the township assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

~~(e)~~ (f) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

~~(f)~~ (g) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 10. IC 6-1.1-12.1-12, AS AMENDED BY P.L.154-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS: Sec. 12. (a) A property owner that has received a deduction under section 3, or 4.5 of this chapter is subject to the provisions of this section if the designating body adopts a resolution incorporating the provisions of this section for the economic revitalization area in which the property owner is located.

(b) If:

(1) the property owner ~~(or, in the case of a deduction under section 4.8 of this chapter, the property owner or a tenant of the property owner)~~ ceases operations at the facility for which the deduction was granted; and

(2) the designating body finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's ~~or property owner's tenant's~~ plans to continue operations at the facility;

the property owner shall pay the amount determined under subsection (e) to the county treasurer.

(c) A property owner may appeal the designating body's decision under subsection (b) by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined not more than thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is a final determination that may be appealed in the same manner as other civil actions.

(d) If an appeal under subsection (c) is pending, the payment required by this section is not due until after the appeal is finally adjudicated and the property owner's liability for the payment is

finally determined.

(e) The county auditor shall determine the amount to be paid by the property owner according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the sum determined under STEP TWO by one and one-tenth (1.1).

(f) The county treasurer shall distribute money paid under this section on a pro rata basis to the general fund of each taxing unit that contains the property that was subject to the deduction. The amount to be distributed to the general fund of each taxing unit shall be determined by the county auditor according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner to the taxing unit if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Divide the STEP TWO sum by the sum determined under STEP TWO of subsection (e).

STEP FOUR: Multiply the amount paid by the property owner under subsection (e) by the STEP THREE quotient.

SECTION 11. [EFFECTIVE JANUARY 1, 2008]
IC 6-1.1-12.1-1, IC 6-1.1-12.1-3, IC 6-1.1, 12.1-4.5, IC 6-1.1-12.1-5, IC 6-1.1-12.1-5.1, IC 6-1.1-12.16-5.4, IC 6-1.1-12.1-5.6, IC 6-1.1-12.1-5.9, and IC 6-11-12.1-12, all as amended by this act, apply to ad valorem property taxes with assessment dates after February 28, 2008.

Renumber all SECTIONS consecutively.

(Reference is to HB 1774 as reprinted February 13, 2007.)

LEONARD

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1774 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Representative Tincher was excused for the rest of the day.

House Bill 1778

Representative Summers called down House Bill 1778 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1778-1)

Mr. Speaker: I move that House Bill 1778 be amended to read as follows:

Page 5, line 18, delete "a:" and insert "**any of the following felonies:**

- (i) **Murder (IC 35-42-1-1).**
- (ii) **Causing suicide (IC 35-42-1-2).**
- (iii) **Assisting suicide (IC 35-42-1-2.5).**
- (iv) **Voluntary manslaughter (IC 35-42-1-3).**
- (v) **Reckless homicide (IC 35-42-1-5).**
- (vi) **Battery (IC 35-42-2-1).**
- (vii) **Aggravated battery (IC 35-42-2-1.5).**
- (viii) **Kidnapping (IC 35-42-3-2).**
- (ix) **Criminal confinement (IC 35-42-3-3).**
- (x) **A felony sex offense under IC 35-42-4.**
- (xi) **Carjacking (IC 35-42-5-2).**
- (xii) **Arson (IC 35-43-1-1).**
- (xiii) **Incest (IC 35-46-1-3).**
- (xiv) **Neglect of a dependent (IC 35-46-1-4(a)(1) and**

IC 35-46-1-4(a)(2)).

(xv) Child selling (IC 35-46-1-4(d)).

(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5.

(xvii) A felony relating to controlled substances under IC 35-48-4.

(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.

(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state."

Page 5, delete line 19.

Page 5, line 20, beginning with "(ii)" begin a new line double block indented.

Page 5, line 20, delete "(ii)" and insert "**(B) has been convicted of a**".

Page 5, line 22, delete "(B)" and insert "(C)".

(Reference is to HB 1778 as printed February 16, 2007.)

HINKLE

Motion prevailed. The bill was ordered engrossed.

House Bill 1812

Representative Pierce called down House Bill 1812 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1818

Representative V. Smith called down House Bill 1818 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1818-1)

Mr. Speaker: I move that House Bill 1818 be amended to read as follows:

Page 2, after line 2, begin a new paragraph and insert:

"SECTION 2. IC 4-20.5-6-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) The department shall commission and place within the state capitol a bust of President Benjamin Harrison.**

(b) The department shall consult with the Indiana historical bureau and the Indiana arts commission to assist in the design of the bust.

(c) Not later than July 1, 2008, the department shall submit the plans for the bust to the legislative council for approval.

(d) After the legislative council approves the plans for the bust, the department shall have the bust made and placed in the state capitol."

Renumber all SECTIONS consecutively.

(Reference is to HB 1818 as printed February 16, 2007.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

House Bill 1051

Representative Crooks called down House Bill 1051 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1051-1)

Mr. Speaker: I move that House Bill 1051 be amended to read as follows:

Page 2, after line 26, begin a new paragraph and insert:

"SECTION 2. IC 6-6-6.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. As used in this chapter, unless the context clearly indicates otherwise:**

(a) "Aircraft" means a device which is designed to provide air transportation for one (1) or more individuals or for cargo.

(b) "State" means the state of Indiana.

(c) "Department" refers to the department of state revenue.

(d) "Person" includes an individual, a partnership, a firm, a corporation, a limited liability company, an association, a trust, or an estate, or a legal representative of such.

(e) "Owner" means a person who holds or is required to obtain a certificate of registration from the Federal Aviation Administration for a specific aircraft. In the event an aircraft is the subject of an agreement for the conditional sale or lease with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession of the aircraft vested in the conditional vendee or lessee, or in the event the mortgagor of an aircraft is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed to be the owner for purposes of this chapter.

(f) "Dealer" means a person who has an established place of business in this state, is required to obtain a certificate under IC 6-2.5-8-1 or IC 6-2.5-8-3 and is engaged in the business of manufacturing, buying, selling, or exchanging new or used aircraft.

(g) "Maximum landing weight" means the maximum weight of the aircraft, accessories, fuel, pilot, passengers, and cargo that is permitted on landing under the best conditions, as determined for an aircraft by the appropriate federal agency or the certified allowable gross weight published by the manufacturer of the aircraft.

(h) "Resident" means an individual or a fiduciary who resides or is domiciled within Indiana or any corporation or business association which maintains a fixed and established place of business within Indiana for a period of more than sixty (60) days in any one (1) year.

(i) "Taxable aircraft" means an aircraft required to be registered with the department by this chapter.

(j) "Regular annual registration date" means the last day of February of each year.

(k) "Taxing district" means a geographic area within which property is taxed by the same taxing units and at the same total rate.

(l) "Taxing unit" means an entity which has the power to impose ad valorem property taxes.

(m) "Base" means the location or place where the aircraft is normally hangared, tied down, housed, parked, or kept, when not in use.

(n) "Homebuilt aircraft" means an aircraft constructed primarily by an individual for personal use. The term homebuilt aircraft does not include an aircraft constructed primarily by a for-profit aircraft manufacturing business.

(o) "Pressurized aircraft" means an aircraft equipped with a system designed to control the atmospheric pressure in the crew or passenger cabins.

(p) "Establishing a base" means renting or leasing a hangar or tie down for a particular aircraft for at least thirty-one (31) days.

(q) "Inventory aircraft" means an aircraft held for resale by a registered Indiana dealer.

(r) "Repair station" means a person who holds a repair station certificate that was issued to the person by the Federal Aviation Administration under 14 CFR Part 145.

SECTION 3. IC 6-6-6.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as otherwise provided in this chapter, any resident of this state who owns an aircraft shall register the aircraft with the department not later than thirty-one (31) days after the purchase date.

(b) Except as otherwise provided in this chapter, any nonresident who bases an aircraft in this state for more than sixty (60) days shall register the aircraft with the department under this chapter not later than sixty (60) days after establishing a base in Indiana.

(c) Except as otherwise provided in this chapter, an Indiana resident who owns a homebuilt aircraft shall register the aircraft with the department not later than thirty-one (31) days after the

date the Federal Aviation Administration has issued the certificate of registration and air worthiness certificate for the aircraft.

(d) Notwithstanding subsection (b), if a nonresident bases an aircraft in Indiana with a dealer **or repair station** solely for repairing, remodeling, or refurbishing the aircraft, neither the nonresident nor the dealer **or repair station** is required to register the aircraft with the department under this chapter. However, the dealer **or repair station** shall file a report with the department the month after the end of each calendar quarter. The report must list only:

(1) the dealer's name and address and of the dealer or repair station;

(2) either:

(A) the dealer's certification number; or

(B) the repair station's certificate number; and

(3) the N number of each aircraft that was based in this state for more than sixty (60) days during the preceding quarter."

(Reference is to HB 1051 as printed February 16, 2007.)

LEONARD

Upon request of Representatives Leonard and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 140: yeas 48, nays 47. Motion prevailed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to reports from committees.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1012, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 2, after line 20, begin a new paragraph and insert the following:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" means the tourism signage study commission established by subsection (e).

(b) As used in this SECTION, "director" means the director of the office appointed under IC 5-29-2-2.

(c) As used in this SECTION, "office" means the office of tourism development established under IC 5-29-2-1.

(d) As used in this SECTION, "signs" means tourist attraction signage.

(e) There is established the tourism signage study commission.

(f) The commission consists of the following eleven (11) members:

(1) The commissioner of the Indiana department of transportation appointed under IC 8-23-2-2 or a designee of the commissioner of the Indiana department of transportation.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives.

(4) The chairman of the Indiana arts commission designated under IC 4-23-2-1(d) or the designee of the chairman of the Indiana arts commission.

(5) The lieutenant governor or a designee of the lieutenant governor.

(6) A member of the Indiana tourism council appointed by the chairperson of the Indiana tourism council serving under IC 5-29-4-3(c).

(7) An owner or operator of an agritourism business, appointed by the governor.

(8) A member appointed by the Association of Indiana Convention and Visitor Bureaus.

(9) An employee of the division of state museums and historic sites of the division of natural resources established under IC 14-9-4-1(21), appointed by the director of the division of natural resources appointed under IC 14-9-2-1.

(g) The director is the chairperson of the commission.

(h) Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) The expenses of the members under subsections (h) and (i) shall be paid by appropriations made to the office.

(l) The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure.

(m) The office shall provide administrative services to and staff the commission.

(n) The commission shall study signs related to tourism, their placement alongside highways, and the current criteria concerning tourist attraction signage established under IC 9-21-4-5(b).

(o) The commission shall conclude its study not later than November 1, 2007, and shall report its findings not later than December 1, 2007, to the:

- (1) Indiana department of transportation;
- (2) office; and
- (3) legislative council.

The report of findings made to the legislative council must be in an electronic format under IC 5-14-6.

(p) The office shall review the findings of the commission and shall make changes to the criteria established under IC 9-21-4-5(b) based on the findings of the commission.

(q) This SECTION expires December 31, 2008.

SECTION 3. An emergency is declared for this act."

(Reference is to HB 1012 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "who" and insert "who, **with the intent to deprive another person of child custody rights,**".

Page 1, line 6, delete "or parenting time order".

Page 1, line 9, delete "or parenting time order".

(Reference is to HB 1019 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, line 6, delete "is an:" and insert "**is:**".

Page 11, line 7, after "(1)" insert "**an**".

Page 11, line 8, delete "or".

Page 11, line 9, after "(2)" insert "**an**".

Page 11, line 10, delete "." and insert ";".

Page 11, between lines 10 and 11, begin a new line block indented and insert:

"(3) a contractor engaged in work on:

(A) bridges;

(B) roads;

(C) streets;

(D) highways;

(E) railroads; or

(F) utilities and services incidental to the work on bridges, roads, streets, highways, or railroads; or

(4) a sewer contractor, a sewage disposal contractor, an excavation contractor, or a utilities contractor who generally engages in the business of installing, altering, or repairing:

(A) sewers;

(B) private or public sewage disposal systems; and

(C) water distribution or drainage lines; outside the foundation walls of a building."

(Reference is to HB 1161 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

GIA QUINTA, Acting Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "an ordinance" and insert **"a rule"**.

Page 3, line 22, after "under" insert **"IC 16-19-3-4.4."**.

Page 3, delete line 23.

Page 3, line 26, after "camp"" insert **", for purposes of IC 16-19-3,"**.

Page 3, line 27, delete "8-9-10-1(a)." and insert **"16-19-3-0.5."**.

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 5. IC 16-19-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. As used in this chapter, "mobile camp" has the meaning set forth in IC 8-9-10-1(a)."

Page 4, line 3, delete "The" and insert **"Except as provided in section 4.4 of this chapter, the"**.

Page 4, line 3, delete "camps, including mobile camps." and insert **"camps."**

Page 4, delete lines 19 through 42, begin a new paragraph and insert the following:

"SECTION 7. IC 16-19-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.4. (a) The executive board shall adopt reasonable rules to regulate the sanitary conditions, operation, and facilities of mobile camps.

(b) The rules adopted under subsection (a) shall be enforced by local health officers under IC 16-20-1-19 and IC 16-22-8-34(a)(22).

(c) The rules must include the following:

(1) A requirement that an inspection fee be collected for each inspection of the sanitary conditions, operation, and facilities of a mobile camp, and that the amount of the fee be seventy-five dollars (\$75) for each fifty (50) individuals in the occupant capacity of the mobile camp.

(2) A requirement that the inspection fee be paid to:

(A) the local health department under IC 16-20-1-2:

or

(B) if the inspection is to be conducted in a county containing a consolidated city, the municipal corporation created under IC 16-22-8-6;

before initiation of the inspection. The fee shall be deposited in the general fund of the local health department or the municipal corporation.

(3) A provision that the officials of the local health department or the municipal corporation referenced in subdivision (2) may conduct joint inspections of a mobile camp with the:

(A) authorized state director; or

(B) union representative;

of each craft of employees working for the railroad company operating the mobile camp that is the subject of the inspection.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 16-19-3-4.4, as added by this act, the state department of health shall carry out the duties imposed upon it under IC 16-19-3-4.4, as added by this act, under interim written guidelines approved by the state health commissioner.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 16-19-3-4.4, as added by this act.

(2) December 31, 2008.

SECTION 9. An emergency is declared for this act."

Delete pages 5 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1344 as introduced.)

Committee Vote: yeas 7, nays 2. and when so amended that said bill do pass.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "a" insert **"retailer"**.

Page 1, line 6, after "permit" insert **";"**.

Page 1, line 6, delete "issued under this title;"

Page 1, line 7, delete "or delivers".

Page 1, line 7 delete **":".**

Page 1, run in lines 7 through 8.

Page 1, line 8, delete **"(A)"**.

Page 1, line 8, delete **"or"**.

Page 1, delete line 9.

Page 1, line 12, delete **"or delivery"**.

Page 1, line 12, delete **":"** and insert **"for consumption on the licensed premises."**

Page 2, line 2, delete **"or delivery"**.

Page 2, line 3, delete **":"** and insert **"for consumption on the licensed premises."**

(Reference is to HB 1347 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1348, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 28, after "who" insert **"the person knows"**.

Page 4, after line 38, begin a new paragraph and insert:

"SECTION 4. IC 35-42-4-6, AS AMENDED BY P.L.124-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

(1) in person;

(2) by telephone;

(3) in writing;

(4) by using a computer network (as defined in IC 35-43-2-3(a));

(5) by advertisement of any kind; or
 (6) by any other means;
 to perform an act described in subsection (b) or (c).

(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:

(1) sexual intercourse;
 (2) deviate sexual conduct; or
 (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;
 commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)) **and the offense is a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).**

(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:

(1) sexual intercourse;
 (2) deviate sexual conduct; or
 (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;
 commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)) **and the offense is a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).**

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

SECTION 5. [EFFECTIVE JULY 1, 2007] IC 35-42-4-6, as amended by this act, applies only to offenses committed after June 30, 2007."

Renumber all SECTIONS consecutively.
 (Reference is to HB 1386 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1417, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 14, delete "," and insert ";".

Page 8, delete lines 12 through 17, begin a new line block indented and insert:

"(7) if the captive insurer is a rental captive insurer, insure risks other than risks of the policyholders or associations that have entered into insurance contracts with the captive insurer using a contract form approved by the commissioner;".

(Reference is to HB 1417 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1452, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 11, delete "advertisement,".

Page 4, line 4, delete "sixty (60)" and insert **"thirty (30)"**.

(Reference is to HB 1452 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1489, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 11, delete "this chapter" and insert **"this title"**.

Page 8, line 27, delete "this chapter" and insert **"this title"**.

(Reference is to HB 1573 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1581, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "A decision".

Page 1, delete lines 15 through 16.

(Reference is to HB 1581 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1617, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "of:" and insert **"of"**.

Page 1, delete line 17.

Page 2, line 1, delete "(2)".
 Page 1, run in line 16 through page 2, line 1.
 Page 2, delete lines 15 through 42.
 Delete page 3.
 Page 4, delete lines 1 through 33.
 Page 5, line 5, strike "or".
 Page 5, between lines 8 and 9, begin a new line block indented and insert:

"(3) to a person who was intoxicated as described in section 1 of this chapter and was involved in a motor vehicle accident; or

(4) to a person who had operated a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;".

Page 5, line 13, strike "subdivision" and insert **"any of subdivisions"**.

Page 5, line 13, strike "or (2)" and insert **"through (4)"**.

Page 5, line 16, after "abuse." insert **"A court also is not required to order the installation of an ignition interlock device for a person described in subdivision (1). If a court does not order the installation of an ignition interlock device for a person described in subdivision (1), the court shall set forth why a device is not appropriate."**

Page 5, delete lines 26 through 28.

Renumber all SECTIONS consecutively.

(Reference is to HB 1617 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1742, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 23.

Page 24, delete lines 1 through 31.

Page 25, line 1, delete "municipality located".

Page 25, line 2, delete "in a".

Page 25, line 4, after "(115,000)" delete "." and insert **"and any second class city located in the county."**

Page 25, line 5, delete "municipality" and insert **"county or city"**.

Page 25, line 7, delete "municipality" and insert **"county or city"**.

Page 25, line 8, delete "municipality" and insert **"county or city"**.

Page 25, line 8, after "authority" delete "." and insert **"and the board of the authority approves the membership of the county or city."**

Page 29, line 5, delete "municipality" and insert **"county or city"**.

Page 29, line 6, delete "municipality" and insert **"county or city"**.

Page 29, line 33, delete "municipality" and insert **"county or city"**.

Page 29, line 34, delete "municipality" and insert **"county or city"**.

Page 29, line 35, delete "fiscal" and insert **"county or city becomes"**.

Page 29, delete line 36.

Page 29, line 37, delete "municipality to become".

Page 29, run in lines 35 through 37.

Page 31, line 39, delete "municipality" and insert **"county or city"**.

Page 31, line 40, delete "municipality" and insert **"county or city"**.

Page 32, delete lines 20 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1742 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1816, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1837, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-33-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. (a) After June 30, 2007, a licensed owner must apply for and receive the commission's approval before constructing a new riverboat that is certified under section 6(a)(1)(B) of this chapter.**

(b) The commission shall adopt rules governing the procedure a licensed owner must follow to take an action described in subsection (a).

(c) The commission may not approve an application submitted under this section unless the applicant's construction project will be undertaken in either of the following locations:

(1) A county that is contiguous to Lake Michigan in the case of a riverboat that operates from a dock located in a county that is contiguous to Lake Michigan.

(2) A county that is contiguous to the Ohio River in the case of a riverboat that operates from a dock located in a county that is contiguous to the Ohio River.

SECTION 2. IC 4-33-13-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) As used in this section, "development agreement" has the meaning set forth in IC 36-1-8-9.5.**

(b) For purposes of determining the effective wagering tax rate to be used for calculating payments under a development agreement between:

(1) a licensed riverboat; and

(2) at least three (3) counties;

a riverboat that has implemented flexible scheduling under IC 4-33-6-21 must use the twenty-two and five-tenths percent (22.5%) rate imposed on adjusted gross receipts under section 1 of this chapter regardless of the riverboat's actual effective wagering tax rate.

(Reference is to HB 1837 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

VAN HAAFTEN, Chair

Report adopted.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1065

Representative Micon called down House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1257

Representative V. Smith called down House Bill 1257 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1257-2)

Mr. Speaker: I move that House Bill 1257 be amended to read as follows:

Page 3, line 17, delete "the following entities" and insert "**a state educational institution (as defined in IC 20-12-0.5-1) that offers a four (4) year baccalaureate degree**".

Page 3, line 18, after "IC 20-18-2-2.5)" insert "**in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000)**".

Page 3, line 19, delete "SECTION" and insert "SECTION".
Page 3, delete lines 20 through 23.

(Reference is to HB 1257 as printed February 14, 2007.)

V. SMITH

HOUSE MOTION

Mr. Speaker: I move that House Bill 1257 be made a special order of business for Tuesday, February 20, 2007 at 10:00 a.m.

V. SMITH

Motion prevailed. The bill and the pending motion of Representative V. Smith were made a special order of business.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1256 and 1563 had been referred to the Committee on Ways and Means.

Rule Suspension

The Speaker announced that, with the consent of the members, Rule 117.2 concerning the deadline for filing amendments would be suspended for Tuesday, February 20 to allow amendments to be filed one hour prior to convening of the session rather than two hours.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 185, 271, 397, 452, 551, and 559 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14, 20, 21, 22, and 23 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown added as coauthor of House Bill 1007.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1009.

MICON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1081.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1175.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as coauthor of House Bill 1197.

PFLUM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be removed as coauthor and Representative Bardon be added as coauthor of House Bill 1384.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1471.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1484.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davis be removed as coauthor of House Bill 1497.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be removed as author of House Bill 1497, Representative L. Lawson be substituted as author, and Representative Grubb be added as coauthor.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1622.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative L. Lawson be added as coauthor of House Bill 1654.

DEMBOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin, Tyler, and V. Smith be added as coauthors of House Bill 1664.

GIA QUINTA

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Moses, the House adjourned at 5:50 p.m., this nineteenth day of February, 2007, until Tuesday, February 20, 2007, at 9:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives